



Department of Planning and Community Development

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Joseph C. Sullivan
Mayor

PLANNING BOARD

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

Braintree Planning Board
March 25, 2014
Town Hall – Cahill Auditorium

APPROVED

Present:

Mr. Robert Harnais, Chair
Mr. Joseph Reynolds, Vice Chair (arrived at 7:15 pm)
Mr. James Eng, Clerk
Mr. Darryl Mikami
Ms. Melissa McDonald

Christine Stickney, Director
Melissa SantucciRozzi, Principal Planner

Chairman Harnais called roll at 7:03 p.m.

Mr. Harnais addressed the public by first introducing the Planning Board Members by name. He explained that in regard to the Whites Hill project, someone sent an anonymous letter personally attacking the Planning Board. In defense, Mr. Harnais said that all the Board Members utilize their personal time, unpaid, and take their job seriously. They personally investigate the projects before the Board. Further, he said that whether a person is for or against a project, to send such comments without signing their name is cowardly. He said the Planning Board treats everyone with respect and equally, they deserve respect.

(Continued Public Hearing) Whites Hill Estates II – O.I.B Corporation (04-02) **Definitive Subdivision Plan Amendment**

Paul Marchionda, PE, Marchionda & Associates, L.P., Stoneham, MA
Kevin Emery, Partner, O.I.B. Corporation
Patrick Brennan, Amory Engineers, P.C. – Town of Braintree consulting Engineer

Paul Marchionda introduced himself to the Board and explained the proposed White's Hill subdivision. He said it includes extending the cul-de-sac up White's Hill Drive and the creation of 17 new lots. He clarified that the proposed Road "A" will not be built; instead a 5 acre parcel will be donated to the Town of Braintree.

Mr. Marchionda said that since the January 14, 2014 Planning Board meeting, a second Neighborhood Meeting was conducted on February 26, 2014. Additionally, a Town Department meeting was held that resulted in significant changes.
Specifically:

The existing 8" waterline as proposed from Whites Hill Drive will be looped up to the line near the tank from Lincoln Street.

Lot 17 will be designated as not a buildable lot at this time.

The Detention Basin has been redesigned into two (2) smaller basins based on the soil test pits.

Mr. Harnais said he would hear any public questions or comments.

Stephen O'Brien, Counselor District 4 addressed the Board and said that if this project is approved, he would request that the donated lots be zoned Open Space Conservancy (OSC), and that the donation include Lot 17.

He further requested that a contiguous walking path from the donated land through the subdivision and down Mayflower Road through the Morrison School then into Pond Meadow Park be designed.

He continued to state his opposition to the project and promoted open space. He explained the aspects of the proposed project that he objects to:

Mr. O'Brien said first, OIB Corporation is not a Corporation listed with the State.

White's Hill is an incomplete project with many waivers and includes six (6) lots. He said that after numerous proposals through many years, they were finally allowed to develop the six lots. The lots end in a cul-de-sac, some of which have been developed. He criticized the division of the lots, describing them as "cut up". He claimed that they are now proposing to divide a parcel into 17 lots. While, he said, they strive to make themselves look considerate to the Town by proposing to donate 7 lots. He cautioned about future O.I.B. development resulting in non-conforming lots.

Further, when the original subdivision was approved, he asked when did the approval including plans to extend beyond the original proposal. He emphasized the recent and very large 40B developments that have now changed the character of the town. He stands with the neighbors who thought this was a closed issue when the six lots were approved.

He noted the issues most concerning to the residents, noted blasting effects on aging gas lines; the water tower construction; the surrounding ledge. He urged that pre-blast and post-blast assessments be required and that the drainage also be assessed.

He summarized by saying the neighborhood is concerned about four effects of the project:

1. The increased speed on Liberty Street posed by a 40 FT wide road;
2. Blasting damage - Mr. O'Brien urged the use of well-known and qualified blasting company;
3. Effects on drainage and retention; and
4. Additional homes will likely add to the problem of school overcrowding.

Pat Brennan, Peer Review Engineer from Amory introduced himself and addressed the Board. He said that the majority of the engineering issues have been remedied. Remaining are some waiver considerations. He recommended a waiver request so that there would be no increase to the existing stormwater detention basin because a volume increase may evoke issues downstream.

He discussed the grading on some subdivision lots. He said to drainage correctly, the grading should be from the proposed dwellings out to the roadway to prevent drainage into backyards toward Pilgrim Road. Mr. Brennan said that although the developer agreed to this, he recommended that this be a Condition of Approval.

Additionally, he said there is a 50 FT buffer for existing vegetation around basins. He said the developer is not seeking a waiver because he believes there is no existing vegetation in that area. Mr. Brennan suggested that existing woods that are proposed to be cleared could be preserved and the basin moved to maintain the buffer.

The other waiver request is for a 1250 FT dead end. Mr. Brennan questioned the feasibility of building the Road "A" because of the substantial cuts and groundwater issues. Further, he said, Road "A" will require an additional waiver to allow a 1700 FT Road.

Concerning the side slopes of the proposed basins, Mr. Brennan said the developer is requesting 2:1 side slopes to minimize the amount of clearing needed for the basin. He suggested a Condition that the new growth be monitored for two years to allow it to establish properly to ensure stabilization.

Lastly, he said that the developer said a tree buffer is not needed because of the distance to the abutters. Mr. Brennan suggested incorporating a Condition relative to a natural tree buffer, echoing the Town Engineer's comment; do not clear the full buffer of natural perimeter trees.

Counselor Charles Kokoros addressed the Board and stated his opposition to the subdivision. He said although this is not his district, he served on the previous Planning Board who originally denied this project. He stated the original issues still remain and feels the developer's attempt, 5 years later, is disingenuous. The project is unfair to the abutting residents as well as the residents who stood to protect the neighborhood, water tower, drainage and traffic issues. Mr. Kokoros conveyed his opposition and urged the Board to consider that this defunct subdivision (that was reborn into a six lot subdivision) is now attempting to increase the number of lots.

Chair Harnais explained that the Planning Board has to go by the law and there are certain things it cannot do. Historically, this board has made sure things conform to the neighborhoods they are in. He said he understands the concerns presented.

Herbert McMeekin, 46 Pilgrim Road

Mr. McMeekin said that he is a longtime resident at this location. He experiences water problems following rain or snow most winters. He is seriously concerned about the water tank that holds 1.5 million gallons of water. If blasting ruptures the water tower, built in 1930, it will wipe out his house.

Frank Bocchino, 87 Mayflower Road

He expressed his opposition to corporations like OIB that are allowed to change laws. He said the laws have been established and variances should not be permitted to disrupt the neighborhood.

Christina Ranieri-DiPace, 96 Mayflower Road

Ms. Ranieri-DiPace expressed her concerns about the already neglected pavement and curbs and said she believed this project would add to the lack of services such as plowing, to Mayflower Road. She explained that she researched her property, hired experts and spoke to previous owners of the property who concurred that the house had a dry basement. Since the developer recently cleared, she finds they have water in the basement.

She explained that the constant construction noise that begins as early as 6 a.m., interferes with the quality of life.

She said she has observed the lack of maintenance to the drainage basin behind her property and is very concerned that changes will impact the homes in the area. She urged the Board to involve the Conservation Commission before tampering with the basin.

The Chair explained to the public that anyone is welcome to come forward and comment during the continued project proceedings. He then opened questions and comments to the Planning Board.

Ms. McDonald said she reviewed about 19 years of records concerning this project. It originally came before the Planning Board in 1995 when a request for waivers was denied for the development after eight public hearings.

Two weeks later it was appealed to the Land Court who held a two day trial which overturned the Planning Board Decision and granted five out of eight waivers. The remaining three waivers were remanded back to the Planning Board who granted only one, a sidewalk waiver. OIB appealed the remaining two waivers again to Land Court who upheld the Planning Board's Decision.

One of those two waivers is the waiver that is before the Board now, involving lengthening the road. At the time, the original Application requested an increased length from 400 to 2,777.68 LF. The Application submitted today is also to increase the road, but reduced to about half of the original requested length.

She explained that since this Application involves the original six lots of land, these are now before the Planning Board again. She said that to date, the longest road the Planning Board has allowed is 950 LF. She suggested that the developer reconfigure the length to near this allowance.

She said if this does go forward, she suggested an emergency access road through the water tower access road alleviating some public safety concerns. Additionally, she is requesting the following:

1. A school impact report projecting school enrollment for grades K-12; including comments from the school administration.
2. A traffic study report based on the new proposal.
3. Per the Public Works report concerning the drainage vegetation, Staff comments and recommendation of the Peer Review Engineer, she requested the vegetation at the bottom of the drainage be monitored to ensure establishment.
4. Blasting analysis report including a dust control plan.
5. A tree buffer behind lots 2, 3, 4 and 6 as recommended by Amory Engineering and Staff, to preserve as many trees as possible or provide trees for the lots.
6. A wildlife impact report.

Mr. Mikami also discussed specific waivers and asked Staff to discuss.

Ms. SantucciRozzi said she reviewed the project and is familiar with subdivision rules and regulations. She said it is possible to redesign the property requiring no waivers that may potentially carve out and disrupt more of the parcel than the project that is being proposed.

Mr. Mikami said he has the same concerns as those who have commented. He encouraged the residents to voice their concerns and provide input in the event this project does go through.

Regarding school population increase, he said we don't have all the facts; we need a statement from the School Committee.

He said he is very concerned about the water tower. He asked about the blasting impact. Mr. Marchionda answered saying reports are being prepared and he will submit them as soon as they are completed.

Mr. Mikami expressed his concerns about drainage, particularly on Pilgrim and Mayflower roads; he questioned Mr. Marchionda that there will be no negative impact. Mr. Marchionda said that the project will have a positive impact, particularly on Pilgrim Road because the water that flows and collects there will be diverted.

Mr. Mikami said accountability for future loss is an issue that will have to be addressed.

Mr. Eng called upon his blasting experience to highlight the need for a preconstruction survey and to post a bond for likely damage remediation.

Mr. Eng said he is also concerned about drainage; he wants to make sure the design includes proper drainage. Back to blasting, he noted the necessity for a rodent displacement plan. Further he touched on the cost of school growth born by taxpayers and said he would like to know the actual impact.

Mr. Reynolds asked a few questions concerning runoff and drainage. He confirmed that Mr. Marchionda's firm designed the existing roadway and the retention basin. Mr. Reynolds referred to the resident comments about having water in their basements when they were dry previous to the project.

Mr. Marchionda explained that prior to the previous project; there was a rate of about 19 CF/Sec. of runoff leaving the site. After the current detention basin, it measured at a reduced rate of 9 CF/Sec., a direct result of holding the water and releasing it slowly. He attributes the claims of water issues to the very extreme storms in recent years.

Mr. Reynolds asked Mr. Marchionda if perc testing was done before the previous project. Mr. Marchionda did not recall if it was done at that time.

Mr. Reynolds said this project will be altering the terrain adjacent to the surrounding abutters. He will reach out to the engineers to answer questions on impact on abutting properties.

There was some discussion about the location of the detention basin relative to a 50 FT buffer and four existing trees. Ms. SantucciRozzi said Mr. Marchionda believes the trees had to come down to build the detention basin. Mr. Marchionda explained that keeping those trees will shift the location necessitating the removal of trees in a more densely wooded area.

Mr. Reynolds asked Mr. Marchionda if there is a benefit to moving the basin – Mr. Marchionda answered, only to comply with the 50 FT buffer.

Mr. Harnais further explained the role of the Planning Board – he finds this project problematic but warned that the control could be taken away from the town if the Board simply says no. He said he is troubled about further development while there are unsolved issues from the prior project. It raises the

question of what the future will hold. He encouraged communication between the developer and the neighborhood.

Mr. Marchionda asked if we are in agreement on drainage. Mr. Harnais informed him that drainage would not be decided upon at this meeting.

The Chair called for a Motion to accept the correspondence.

Mr. Reynolds made a Motion to accept the correspondence between 12/22/13 – 3/24/14; seconded by Mr. Mikami.

Vote: 5:0:0

The Chair called for a Motion to Continue.

Mr Eng made a Motion to Continue to May 13, 2014, at 8:00 p.m.; seconded by Mr. Reynolds.

Vote: 5:0:0

**(Continued Public Hearing) 0/30 Randall Avenue and 52/60 Pearl Street (13-09)
Special Permit and Site Plan Review / Sunset Realty Trust**

Member Mikami did not participate.

Frank Marinelli, Attorney for Applicant

William Frazier, Trustee of Sunset Realty Trust, Applicant

Applicant's family: daughters, Laurie and Cheryl and Son, William Jr.

Mr. Marinelli introduced himself, the Applicant, Bill Frazier and Mr. Frazier's children, Laurie, Cheryl and Bill, Jr. who will be involved in the ownership and management of the 18 Unit project. Mr. Marinelli said that the Frazier family is very committed to the project.

Mr. Marinelli discussed the overall description of the planned project. He said the project is consistent with the village overlay. The plans include the redevelopment of an old industrial building into a retail, office and residential mixed use. He said that in the same area 80 years ago, there was a building known as the Hampton House which also housed residential units over retail space. He said the Planning Staff spoke favorably about this project.

He described the intended use of retail, office and residential space which will consist of sixteen (16) 1-bedroom units and two (2) studio units. He emphasized the convenient proximity to public transportation, saying it is just .3 miles to the "T" Station. It is located within walking distance to restaurants, schools and town buildings.

Mr. Marinelli highlighted the planned landscape features that will enhance the neighborhood. The 27% of open space is about double the space that was there previously. The planned 40 parking spaces were described as more than what is required. There are three parking areas; one is 23 spaces; a second area of 11 spaces and a third is 6 parking spaces. Mr. Frazier said that currently, half of Mr. Frazier's tenants don't own cars and they expect that most of these residents will not have a car.

Mr. Harnais asked for public comments, there were no public comments.

Mr. Reynolds and Mr. Eng did not have any questions.

Ms. McDonald asked if there are two handicap spots.

Mr. Marinelli confirmed that there are two handicapped spots; Mr. Eng reviewed those spots on the plan.

Mr. Mikami said he could not vote because he missed the first Public Hearing but looked forward to a successful development in this prominent spot in town.

Mr. Eng had nothing but positive comments and expressed his support for the project.

Mr. Reynolds echoed the previous comments; he said he especially appreciated the Applicants cooperation with the Staff and the attention to the stormwater management plan.

Mr. Harnais also had positive comments. He called for a Motion to close the public hearing.

Mr. Reynolds made a Motion to close the Public Hearing, seconded by Mr. Eng.

Vote: 4:0:0

Chair Harnais asked if Mr. Marinelli read the proposed Conditions and if he had any objections.

Mr. Marinelli said he did read them and had no objections.

Mr. Eng made a Motion to approve the Site Plan Review and Special Permits 135-601; 135-705 and 135-613; seconded by Ms. McDonald.

Vote: 4:0:0

50 Forbes Road, Karma Nominee Trustee (10-07)
Request for Reduction of Surety / Minor Modification
Brian Dundon, P.E., R.J. O'Connell & Associates

Brian Dundon addressed the Board on behalf of the Applicant. He explained that he represented Karma Nominee Trust, who has obtained Site Plan Approval for the project at Hyatt Place. Staff has approved the Interim Site Plan As-Built and per Condition #4, a surety was posted in the amount of \$34,300.00. He is asking that the surety be released. Staff confirms that the site is essentially completed but there are a few things remaining prior to a formal As-built request. Specifically, the retail plaza is not fully leased. When it is leased, per Condition #78, they will coordinate with the Planning Department to update and compare the Traffic Study.

The Chair asked if the Board had any questions.

Mr. Eng asked when they anticipate the retail to be fully leased. Mr. Dundon estimated late summer. Once the rentals are filled, they will do the traffic report and submit a request for As-built Approval.

Mr. Mikami asked his opinion about how the traffic is currently going.

Mr. Dundon said they continually study the traffic flow to address issues as they arise relative to circulation and parking. They stop employees from parking in customer locations. They're still learning and rectifying as they go. He said the traffic pattern seems to be working.

With no further questions, the Chair called for a motion.

Mr. Eng made a Motion to release the \$34,300.00; seconded by Ms. McDonald

Vote: 5:0:0

250 Granite Street, Dave and Busters of Massachusetts (10-01)

Request for Minor Modification

The matter was continued to April 8, 2014.

Vote: 5:0:0

Acceptance of 2014 Revised Planning Board Schedule

Chair asked if any members had any conflicts with the proposed revisions to the 2014 Planning Board Schedule. Ms. McDonald asked that the November Meeting be on Monday, November 10th, 2014. No other members had an issue.

Chair called for a vote.

Mr. Reynolds made a Motion to approve the Planning Board Schedule revisions, seconded by Ms. McDonald.

Vote: 5:0:0

Approval of Minutes February, 2014

Chair Harnais called for a Motion to accept the Minutes.

Ms. McDonald made a Motion to accept the Minutes of February, 2014; seconded by Mr. Eng.

Vote: 4:0:0

Mr. Harnais called for a Motion to adjourn the meeting.

Ms. McDonald made a Motion to adjourn; seconded by Mr. Eng

Vote: 5:0:0

The meeting adjourned at 10:15 p.m.

Respectfully Submitted by,
Elizabeth Schaffer