



# Department of Planning and Community Development

Melissa M. Santucci Rozzi, 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

Braintree Planning Board  
March 13, 2012  
Town Hall

**APPROVED**

### Present:

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

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

The Chair called the meeting to order at 7:05 P.M. and called the roll: Mr. Harnais, Mr. Reynolds, Mr. Eng, Mr. Mikami and Ms. Lauria all present.

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

#### Zoning Board of Appeals – March

#12-15

10-40 Plain Street

Scott F. Lacy, of Prince Lobel Tye LLP, 100 Cambridge Street, Boston, MA 02114 was present to represent the Applicant, Sprint Spectrum, L.P., and addressed the Planning Board.

Mr. Lacy gave a brief description of the proposed project to upgrade the existing wireless communication facility at the above noted property as part of Sprint Spectrum's initiative to upgrade to 4G networks. Equipment was originally installed at this site by the Applicant in 1999. This application involves an upgrade to the existing equipment which includes; replacing five (5) existing antennas with three (3) new panel antennas, the installation of remote radio heads below each new antenna, the installation of new cabling, the replacement of the existing GPS antenna and the replacement of three (3) equipment cabinets with three (3) new cabinets.

Mr. Harnais inquired if the Planning Board had any questions. None of the Board members had any questions for Mr. Lacy at this time.

Motion by Mr. Reynolds, second by Mr. Eng to recommend favorable action.  
Vote: 5/0

#12-18  
40, 60-80 Campanelli Drive

Attorney Frank A. Marinelli, 439 Washington Street, Braintree, MA 02184, was present to represent the Applicant, Prologis Limited Partnership (formerly AMB Property Limited Partnership) and addressed the Planning Board.

Atty. Marinelli explained that this application is for the proposed redevelopment of the site located at 60-80 Campanelli Drive and the creation of a subdivision with the two (2) sites at 60-80 Campanelli Drive and 40 Campanelli Drive. He noted that this is an old industrial park that will benefit from the redevelopment and that in 2010 a Preliminary Subdivision Plan had been approved by the Planning Board. The building at 60-80 Campanelli Drive as it currently exists has a 263,500 Sq. Ft. footprint with a 37,800 Sq. Ft. second floor mezzanine for a total of approximately 300,000 Sq. Ft. The proposal is to take down the entire existing building and to construct two (2) smaller buildings. The proposed building in the front lot will be 75,840 Sq. Ft. and the proposed building in the rear lot will be 87,600 Sq. Ft. It was noted that some parking spaces will be removed. The property located at 40 Campanelli Drive will be part of the Definitive Subdivision Application, which will create a cul-de-sac made up of the three (3) properties.

Ms. Lauria had no questions at this time.

Mr. Mikami asked if the proposed changes to the building are to attract different types of tenants. Atty. Marinelli replied that the property will remain industrial in nature. Mr. Mikami pointed out that taking the existing building down and constructing a new one is a large financial undertaking. Mr. Eng raised the issue of the parking spaces that require backing out into the roadway. Atty. Marinelli replied that the existing parking at #1 Campanelli Drive will back out into the roadway which is in violation of Section 135-808(A) however, this is an existing condition. Ms. Santucci Rozzi explained that as it currently exists, this parking area does back out onto the right-of-way and she wanted this made known to the Planning Board. This right of way will become the proposed subdivision roadway. Any safety issues involved can be addressed during the Definitive Subdivision approval process.

Mr. Reynolds had no questions stating that any potential concerns he may have can be addressed with the Definitive Subdivision application.

Motion by Mr. Eng, second by Mr. Reynolds to recommend favorable action.  
Vote: 5/0

#12-19  
20 Sumner Avenue

Russ Fitzgerald, representing the Applicant, James L. Harrington, of 20 Sumner Avenue, Braintree, MA 01284, addressed the Planning Board. The Applicant was also present.

Mr. Fitzgerald, the Applicant's builder, explained that the Applicant is asking for a variance to construct a Farmers' Porch along the entire width of the front of the existing structure at 20 Sumner Avenue. The proposed Farmer's Porch will encroach into the required front yard setback resulting in the need for the variance.

Ms. Lauria and Mr. Mikami had no questions at this time. Mr. Eng noted that this is a reasonable request and had no questions. Mr. Reynolds stated that the request is minor in nature and had no questions.

Motion by Mr. Reynolds, second by Ms. Lauria to recommend favorable action.  
Vote: 5/0

#12-16  
530 Pond Street

Barry Hanson, the Applicant, P.O. Box 664, South Lancaster, MA 01561 was present and addressed the Planning Board.

Mr. Hanson explained that he is looking to legalize an addition which had been constructed without relief in 1985, with additional improvements made in 2001. He presented pictures to the Planning Board. Mr. Harnais inquired if the addition was on someone else's property. Ms. Santucci Rozzi replied that it was not, but raised concerns with the encroachment to the abutting property at the rear of the Applicant's lot. Mr. Hanson noted an area located to the rear which is approximately 50 Ft. of unused space belonging to his neighbor which he (Mr. Hanson) has maintained since 1998. There have been no issues with this neighbor. Ms. Santucci Rozzi pointed out that there is a rather severe encroachment. Mr. Hanson said that when he had the plot plan prepared it said the structure was approximately three (3) ft. from the property line. He continued that when he purchased the property he did not realize it was that close. The current foot print of the structure already existed. The existing structure was a deck, which he had intended to fix and then subsequently altered the purpose of the space which is why he is seeking relief.

Ms. Lauria asked for confirmation that Mr. Hanson did not realize that he had to come before the Zoning Board and the Planning Board when the previous improvements had been made. Mr. Hanson replied that he did not until he received a letter from the Building Department. Ms. Lauria asked if there had been a complaint filed. Mr. Hanson stated that he has not lived there for three (3) years and that the family currently living there had left some debris on the property which has since been cleaned up. He continued that his parents currently reside there. Mr. Eng brought up the ledge on the property that was noted on the application but was not visible in the pictures provided to the Planning Board. Mr. Hanson said that the entire property is built on ledge and there is also a lot of rock present as well. He also pointed out that there will be no

visual impact to the neighbors. Mr. Eng had no more questions.

Motion by Mr. Eng, second by Ms. Lauria to recommend favorable action.  
Vote: 5/0

#12-14  
349 Liberty Street

Stephen P. DesRoche, of Neponset Valley Survey Associates, Inc., 99 White Street Quincy, MA 02169, was present and addressed the Planning Board. Also present was the Applicant, Ali Akshia, 349 Liberty Street, Braintree, MA 02184.

Mr. DesRoche explained that the Applicant would like to subdivide the lot which currently measures 41,380 Sq. Ft. into two (2) buildable lots. It was noted that Lot A will accommodate the existing home and does not meet the required front yard setback. In addition, neither of the lots meets the lot width requirement. Mr. DesRoche continued that Mr. Akshia would like to build a house on the proposed second lot for a family member, but noted that plan could change in the future.

Ms. Lauria had no questions at this time.

Ms. Santucci Rozzi clarified for the Planning Board that Lot B actually does meet the lot width requirement at a certain point. Mr. DesRoche explained that they would be building in a portion of the lot that is 80 Ft. wide. Ms. Santucci Rozzi stated that would be where the relief would be needed. Mr. Mikami asked for the driveway issue to be addressed. Ms. Santucci Rozzi noted that if the Applicant was going to build in a portion of the lot that is 100 Ft. wide the driveway would be very long but if the proposed construction was being moved forward that alleviates the situation. Mr. Mikami asked Mr. DesRoche to provide additional information regarding the driveway. Mr. DesRoche stated that at the front of the lot there is currently a right-of-way for a house on another piece of property to the side. The proposed project would incorporate a new driveway over parts of the right-of-way and will serve the proposed house in back. Mr. DesRoche concluded by saying there will be ample room for turning and parking.

Mr. Mikami asked for clarification that the Applicant currently resides in the existing dwelling and the new house will be for a family member. This was confirmed by Mr. DesRoche. Mr. DesRoche continued that the neighbors had all been notified and there had been no negative reactions. Mr. Eng asked if the resulting subdivided lots would be undersize. Ms. Santucci Rozzi said that they would not. Mr. Eng inquired if Mr. DesRoche had read the Planning Staff analysis. He said that he had not. Mr. Eng brought up the issue of the stormwater run-off. Mr. DesRoche stated that once approval to move forward with the project is granted that issue as well as other issues including grading will be addressed. Mr. Reynolds said that based on the comments of the Planning Staff and the other Board members he had no questions.

Ms. Santucci Rozzi inquired if 349 Liberty Street has its' own driveway. Mr. DesRoche replied that it will.

Motion by Mr. Eng, second by Mr. Reynolds to recommend favorable action.  
Vote: 5/0

#12-17  
90 Tenney Road

The Applicant, James Bernasconi, of 90 Tenney Road, Braintree, MA 02184 was present and addressed the Planning Board.

Mr. Bernasconi explained that he is seeking permission to replace an existing one (1) story one (1) car garage with a 1 ½ story two (2) – car garage that measures 30 Ft. wide by 26 Ft. deep. He would like to extend the structure backward basically lining it up with the back of the house. Mr. Bernasconi noted that the proposed garage will be approximately six (6) Ft. from the rear of the property and is therefore seeking a variance.

Ms. Lauria inquired as to the shape of the lot. Mr. Bernasconi stated that the lot is irregular in shape. Ms. Santucci Rozzi noted that there is enough room within the front yard setback to move the proposed garage forward making the encroachment into the rear yard set back less severe. Mr. Bernasconi said that his driveway as it exists is already tight as far as use for him and for his family. Mr. Mikami stated that he while understands this, moving the proposed garage forward is a possibility and that this could have been considered during the design process.

Mr. Eng pointed out that the proposed 5.3 Ft. rear setback is very close to the other lot although he does understand that the shape of Mr. Bernasconi's lot does present a hardship. Mr. Bernasconi stated that he had spoken to his neighbors before beginning this process and none of them had any issues with the proposed project

Mr. Reynolds noted that although the Applicant's neighborhood is quite compact he does feel that the variance is workable.

Motion by Mr. Reynolds, second by Ms. Lauria to recommend favorable action.  
Vote: 5/0

#12-10  
58 Mass Avenue

*Note: Petition #12-10 was tabled from the Planning Board meeting of February 7, 2012*

James Kantaros, of James Kantaros and Associates, 69 Melville Avenue, Boston, MA 02124 was present to represent the Applicants, Robert and Pamela Cosgrove, also present. Mr. Cosgrove addressed the Planning Board informing them that he had discussed the proposed project with the neighbors and presented a signed statement of support from them.

Mr. Kantaros briefly explained the project and that they are seeking four (4) variances. He noted that a maximum of 50% lot coverage is allowed and after the adjacent lots are combined the proposed lot coverage will be 17.78%. Mr. Kantaros mentioned the limited mobility of the Applicants and although the chair lift plan has been altered the goal of the project is to make the first floor as handicap accessible as possible. The entrance to the home is to be located close to the driveway to accommodate the owner's needs. The three (3) foot drop in the grade of the property was also noted. Mr. Kantaros said that the front stairs, located on the Mass Avenue side of the house are disintegrating and do not meet the building code, will be replaced. He continued by explaining that the size of the proposed addition had been reduced from 635 Sq. Ft. to 594 Sq. Ft., the size of proposed deck had been reduced to 179 Sq. Ft. and the rear entrance porch on the Arbutus Avenue side has been adjusted to encroach less into the setback.

Mr. Kantaros then described the variances that would be required. Variance #1 is for the roof area over the rear entrance porch, variance #2 is for the addition at the rear which encroaches 5.1 Ft. into the setback, variance #3 is for the proposed window seat which is replacing the existing winders and will encroach into the side (now front) yard setback by two (2) Ft and variance #4 is for the proposed rear dormers (which had been added to the Plot Plan as requested by the Planning Staff) which will encroach into the rear yard setback by 1.1 Ft.

Ms. Lauria had no questions at this time.

Mr. Mikami stated that he was glad to see the adjustments and that he knows that Mr. Kantaros has worked with the Planning Staff to implement a better plan. He stated that it is now more reasonable and precise and since the last meeting it now seems that the Cosgroves are essentially getting what they want. The modifications that have been made have moderated the variances requested. Mr. Kantaros replied that the extra effort has resulted in overall improvements to the plan. Mr. Eng continued that he agrees with Mr. Mikami that the revisions reflect more thought and are an improvement. It also presents hardship in regards to the needs of the occupants. Mr. Reynolds had no comments and thanked Mr. Kantaros for providing the additional information.

Motion by Mr. Eng, second by Mr. Reynolds to recommend favorable action.  
Vote: 5/0

*Note: Petition #12-11 has requested to be continued to the April 10, 2012 Planning Board meeting. No testimony heard at this time.*

### Other Business

Request for As-Built Approval  
Priscilla Avenue Definitive Subdivision[#99-12]  
Requested by Kevin Kane of Aspinwall Corporation

Ms. Santucci Rozzi informed the Planning Board the required access easement documentation had been received and the paperwork would be prepared for the April 10, 2012 Planning Board meeting.

Request for Release of Surety – Endorsement of As-Built Certificate  
Ashworth Avenue Extension Definitive Subdivision [#03-10]  
Requested by John J. and Barbara A. Fleming

Ms. Santucci Rozzi explained to the Planning Board that As-Built Approval for Ashworth Avenue Extension Definitive Subdivision was granted in March of 2009. At that time the As-Built Certificate was not endorsed. The Planning Staff is requesting that Mr. Eng sign the As-Built Certificate to recognize the previous vote.

There is also a request that the Planning Board Release the previous drainage bond which is set to expire in March 2012.

It was noted that the Planning Staff is working with Mr. and Mrs. Fleming who are intending to go forward with the street acceptance process.

Motion by Mr. Reynolds, second by Mr. Eng to grant release of the surety.  
Vote: 5/0

Discussion Regarding Change of August Meeting Date

Mr. Harnais requested that the members consider another date for the August 2012 Planning Board meeting in order that the meeting could be held in Cahill Auditorium instead of the scheduled location of Johnson Chambers to better accommodate public attendance.

Motion by Mr. Reynolds, second by Mr. Eng to adjourn at 9:55 P.M.

Respectfully submitted,

Beth Herlihy



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Braintree Planning Board  
March 13, 2012 – Public Hearing @ 7:30 P.M.  
Town Hall

#### Present:

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

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

361(A) Washington Street/Ruk Mae, Inc  
Application: Use Special Permit and Site Plan Review  
#11-09

Mr. Harnais opened the continued Public Hearing at 7:55 P.M.

Attorney Thomas J. Cavanagh was present to represent the Applicant, Jutaporn Sae Bang, of Ruk Mae, Inc. also in attendance.

Atty. Cavanagh addressed the Planning Board stating that he had not been at the meeting of February 7, 2012 when the Applicant first appeared before them. He gave a brief background of the proposed project which is to establish a Thai food restaurant at the existing storefront located at 361(A) Washington Street, noting the previous occupant had been a retail store. The restaurant will be primarily take-out in nature, with delivery available and 10 seats for limited dine-in patrons. The Applicant had formerly owned the Siam House restaurant in Quincy. Atty. Cavanagh stated that the peak hours of operation will be 6:00 P.M. to 7:30 P.M. on weekdays and 6:00 P.M. to 8:30 P.M. on weekends. He then addressed the issue of parking, stating that there will be seven (7) employees at the establishment during peak operating hours, the majority of which will use public

transportation. Ms. Bang will use the available parking spot located behind the building. The availability of the municipal lot has been indicated on the menu and the Applicant is aware that there is a four (4) hour maximum time limit. On street parking is also available for take-out and dine-in patrons. Delivery will be available for customers in Braintree, Quincy and Milton within a six (6) to seven (7) mile radius.

Atty. Cavanagh explained that the Applicant purchases most of her product herself in addition to deliveries made by two (2) suppliers. Agar, one of the suppliers makes deliveries at 10:30 A.M. The 15 Ft. access easement located to the rear of the building will be utilized for the product deliveries which will last approximately 10 -15 minutes. He continued that the proposed signage will be modest and that an electrician will install a light at the rear entrance for the employees as requested. It was noted there had been two (2) prior seating plans and confirmed that the proposal is to have 10 seats. Alterations to the current electrical system will probably not be necessary. The Applicant will be meeting with the Board of Health to review the plan for the grease trap and arrangements will be made to have the grease picked up with none of it going in the dumpster which the Applicant will be sharing with Alpha Pizza. In addition a basic fire system will be installed per Braintree Fire Department requirements.

Ms. Lauria had no questions at this time and thanked Atty. Cavanagh and the Applicant for addressing the issues that had previously been raised.

Mr. Mikami inquired if the signage could be modified to conform with that existing in the neighborhood and the Mayor's program. Atty. Cavanagh agreed that there is room for improvement with the proposed signage.

Mr. Eng questioned the Fire Department comments. Ms. Santucci Rozzi informed him that there are several standard comments that are generally provided and that they will be included in the draft conditions. Mr. Eng expressed concern that due to the nature of the proposed business all the Fire Department requirements should be met. Atty. Cavanagh stated that the Applicant is aware of the seriousness of fire safety issues. Mr. Eng concluded by saying that a good effort had been made in responding to the Planning Staff and Planning Board comments.

Mr. Reynolds inquired about the second weekly product delivery to the establishment. Atty. Cavanagh said that Ms. Bang will have seafood delivered by Pacific. They use an Econoline type van to make their deliveries. Mr. Reynolds asked for confirmation that the lighting at the rear of the restaurant had been addressed. Atty. Cavanagh replied that the light was indicated on the revised Site Plan and that this will be a cut off box fixture.

There were no questions or comments from the public in attendance at this time.

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Planning Board Minutes  
March 13, 2012 – Public Hearing @ 7:30 P.M.

Motion by Mr. Eng, second by Ms. Lauria to accept the Correspondence List dated December 22, 2011 to March 9, 2012.  
Vote: 5/0

Mr. Harnais stated that this is a good business and will be a good addition to the area.

Ms. Santucci Rozzi stated that the Planning Staff will prepare the draft findings for the April Planning Board meeting.

Motion by Mr. Eng, second by Mr. Reynolds to continue the Public Hearing to the April 10, 2012 Planning Board meeting at 7:30 P.M.  
Vote: 5/0

Respectfully submitted,

Beth Herlihy



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Braintree Planning Board  
March 13, 2012 – Public Hearing @ 8:00 P.M.  
Town Hall

**APPROVED**

Present:

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

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

692-700 West Street/Blue Hill Cemetery  
Application: Special Permits and Site Plan Review  
#11-05

Mr. Harnais opened the continued Public Hearing at 8:15 P.M.

Attorney Michael F. Modestino and David Crispin, Project Engineer, representing the Applicant, Blue Hill Cemetery were present and addressed the Planning Board.

A memo prepared by Atty. Modestino, was provided to the Planning Board members, stating that the Applicant has reviewed the draft conditions prepared by Staff and summarizing items they wish to discuss. Atty. Modestino briefly summarized these items. On page 4 under “Findings” Item #2, and the relating Condition 53 on page 22, regarding one way circulation and signage, the Applicant would prefer no signage but rather use pavement markers instead. On page 6 under “Findings” Item #5, and the relating Condition 68 on page 24, regarding the concrete pad and enclosure of the dumpster, the Applicant feels that this requirement is unnecessary. Atty. Modestino explained there currently exists a 30 yard roll off behind the garage which is not visible from any abutting property on which a cover can be installed. The material in the dumpster is primarily grave flowers, cardboard vases and what little waste is generated by the cemetery office and garage. ABC Disposal Company empties this dumpster on a regular basis. Atty. Modestino continued on page 21 Condition 51, regarding parking and traffic, the Applicant is requesting that this condition be clarified using language indicating that it does not require the

paving and striping of any parking spaces within the existing gravel area. He also noted that it has been suggested that curb stops could be used in this area.

Atty. Modestino referring to the Staff memo dated March 12, 2012 in which a new Condition 77 would restrict the hours of operation. He explained that a crematory is not a usual business and is dependent on volume. There may be the need to conduct business activity after the hour of 4:30 P.M. and the Applicant is looking for some flexibility in regards to the hours of operation allowed including that no cases would be delivered after 4:30 P.M. Atty. Modestino noted that he had reviewed the Zoning Bylaw Section 1104(B) and did not see anything this restrictive. He also referred to a memo that he had received from Carolyn Murray today noting that the Town is not in favor of a (24/7) operation which is not what the Applicant is proposing and certainly they will comply with the Zoning Bylaw. He continued that there would be no cremations after 5:00 P.M. however, the cremation process does take time and they are asking the Planning Board to consider some flexibility.

Mr. Harnais opened the Public Hearing to those in attendance and there were no questions or comments at this time.

Ms. Lauria inquired about the background of the new Condition 77. Ms. Stickney explained that this condition had come as a result of the traffic study that had been submitted by the Applicant stating their hours of operation. There is nothing in the Town Bylaws dictating hours of operation, therefore they can be established at the discretion of the Mayor. Ms. Stickney noted the number of retort units and the traffic study estimate of delivery of 2,000 cases (annually) were also used in the Staff's review to determine the allowable hours of operation. She feels that Monday through Saturday 8:30 A.M. to 4:30 P.M. is reasonable. Ms. Lauria had no further questions. Mr. Mikami stated that since this is a new operation and the Mayor's office will receive the input from neighbors, he agrees with looking to the Mayor for direction with the hours of operation.

Mr. Mikami pointed out that the property as it exists has varied zoning and questioned if it made sense to make the zoning districts consistent while the Applicant is going through the permitting process. Ms. Stickney clarified that the front of the property is zoned Residence A and the rear is zoned Commercial. The crematory will be in the Commercial Zone and asked if he was suggesting continuing the Commercial Zone out to West Street. She noted that would require a rezone and another public hearing process with the Planning Board and Town Council. Mr. Mikami inquired about the effect on traffic in the area. Ms. Stickney stated that 2,000 cases was the estimate provided by the Applicant's Traffic Engineer and there is no Land Use Code (LUC) for crematory in the ITT traffic manual. Mr. Mikami asked if they were expecting 2,000 cases. Mr. Crispin replied that 2,000 cases would be ideal from a business perspective. He pointed out that more than one individual for cremation may be transported in the same trip and that the summary of the traffic report was that there would be very little impact. The Applicant wants to anticipate being able to adequately accommodate an emergency situation. Mr. Mikami noted that 2,000 cases over 50 weeks would be about 40 per week, or approximately 5 to 8 per day. Mr. Crispin stated that there will be peaks and valleys and the overall increase in the traffic as it

exists today will be negligible. Mr. Mikami asked how other communities with crematory facilities handle hours of operation. Mr. Crispin replied that Duxbury, Plymouth and Haverhill have no operation restrictions under zoning. They all operate under Massachusetts General Law Chapter 114. Mr. Mikami wanted clarification that the traffic counts did not include the fourth retort unit. Mr. Crispin informed him that it did include full build up and the anticipated increase in trips would be 58 per day which is less than a ¼% increase in trip generation. Mr. Mikami stated that if there is going to be an increase in trips there needs to be clear delineation of traffic flow and he would also like to see the parking area in the rear improved. Mr. Crispin told him that ½ of the parking area behind the office is to be landscaped as part of low impact drainage improvements.

Mr. Mikami asked what the financial impact to the Town of Braintree will be. Atty. Modestino explained that a cemetery operates as a non-profit so there will be no enhanced revenue for the Town as a result of this operation. He does not foresee any burden to the Town in terms of public services. Mr. Mikami asked if the equipment would fall under the non-profit aspect or would it have some assessed value. Atty. Modestino believes that it will fall under the non-profit with no assessed value. Ms. Stickney stated that the assessor's office would have to be contacted for that determination.

Ms. Stickney stated that she had a discussion with Mayor Sullivan and he is in agreement with the hours of operation in Condition 77. She pointed out that the sites that Mr. Crispin had mentioned were municipal crematories, where this crematory will be private. She continued that regarding the traffic study, there is no crematory (LUC) code so the cemetery code from the ITT traffic manual was used. Also, the Applicant is asking for a Waiver for the traffic study report. She also said that the dumpster location could be shown on the Approved Site Plan, including that the issue that there will be some sort of cover will be addressed. She noted that behind the maintenance garage there is also floodplain which must also be a consideration.

Mr. Eng said that normally when projects are presented the proposed increase in traffic is given ratings and wanted to know what the difference in traffic will be between what exists now and what is proposed. Mr. Crispin told him that there will be negligible impact on traffic on the roadways around the Five Corners Intersection. Ninety-nine (99%) percent of the proposed Crematory business will occur between the hours of 10:00 A.M. and 2:30 P.M. which are not peak traffic hours at Five Corners. Mr. Eng noted that should there be waves of increased traffic neighbors in the area will be affected. He expressed concern for the neighbors and for people traveling along West Street and stated that he wanted a commitment to scheduling to avoid possible traffic back ups. Mr. Eng said that he had no issues with using street markings instead of signs. He asked Mr. Crispin to confirm how many paved parking spaces are proposed noting that Condition 51 calls for 40 in total. Mr. Crispin clarified that ninety-five (95%) percent of the cases coming in will be the funeral director dropping the case off which will be only one car and that viewings will be a rare event. Mr. Eng stressed that the Applicant adequately manage the traffic flow in the area and the parking at the site.

Mr. Reynolds stated his agreement with Mr. Eng, however he thinks the proposed project is workable with additional documentation on the traffic counts. Mr. Reynolds brought up the

issue of the dumpster agreeing that could be depicted on the plan. Regarding the wetland area he likes the proposal of the smaller dumpster for the office. He continued by asking if the Applicant would consider using the cement pad at the current location of the existing dumpster. Atty. Modestino replied that the dumpster had always been in that location and needs to be accessed regularly, and if the Planning Board requires the pad the Applicant will accommodate the request. Mr. Reynolds then asked about the use of curb stops in the parking area located behind the garage. Atty. Modestino replied that the Applicant is okay with that. Mr. Reynolds referred to Condition 77 and asked how would the crematory have prior notice to any significant increase in activity. Atty. Modestino confirmed this stating that a significant increase would be an exception to normal operations in the case of a pandemic. Atty. Modestino concluded by saying that the Applicant respects the Mayor's opinion and will abide by the wishes and concerns expressed by his office.

Motion by Mr. Reynolds, second by Mr. Eng to accept the Correspondence List dated June 22, 2011 to March 12, 2012 with the additional letters from the Town Engineer and Atty. Modestino.

Ms. Stickney asked to comment on certain items. Ms. Stickney explained that the letter from the Town Engineer is the estimated bond amount to complete the utility work in the street and the compensatory flood storage areas on the site. She also wanted the Planning Board to consider that the 3,200 SF facility includes a cooler for storage of bodies during non-business hours not requiring the running of the retorts during non-business hours. She pointed out that under special circumstances or emergencies the Mayor's office can grant additional hours. Ms. Stickney also noted that the roll off dumpster and the parking area are in the floodplain area and that the displacement of additional surface is addressed in the compensatory flood storage. Mr. Harnais said that he liked the idea of a small covered dumpster. Ms. Stickney stated that if it had a locked lid it could go behind the office. Mr. Crispin described the dumpster and said there was a space for it directly behind the garage with close proximity to all three buildings.

Mr. Reynolds in an attempt to summarize consensus commented on the Planning Staff memo dated March 12, 2012 and reviewed the items requiring discussion. Page 4 Condition 2 regarding one way circulation and signage – Staff is agreeable to the use of paving markers. Page 5 Condition 3 – resolved in e-mail from DS Design, Staff is agreeable. Page 6 Condition 5 – the covered 30 yd. dumpster as located on final plan with a separate smaller unit to be located behind the crematory – Staff is agreeable. Page 21 Condition 51 regarding parking areas that are to be paved and striped. It was clarified that there are 30 paved parking spots and 10 unpaved behind the maintenance garage for a total of 40 parking spots. Staff is agreeable to the use of curb stops. Page 22 Condition 53 has been resolved as noted. Page 24 Condition 68 has been resolved as noted. New Condition 77 regarding the operating hours is to remain as noted with requests for additional hours being granted through the Mayor's office.

Motion by Mr. Eng, second by Ms. Lauria to close the Public Hearing at 9:20 P.M.  
Vote: 5/0

Ms. Stickney recommended to the Planning Board separate votes were needed for each Special Permit.

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Planning Board Minutes  
March 13, 2012 – Public Hearing @ 8:00

Motion by Mr. Reynolds, second by Mr. Eng to approve the Special Permit allowing for Access Across a Zone to Serve Another Zone Zoning Bylaw Section 135-601.  
Vote: 5/0

Motion by Mr. Reynolds second by Mr. Eng to approve the Special Permit for development within the Watershed Protection District Zoning Bylaw Section 135-609.  
Vote: 5/0

Motion by Mr. Eng, second by Mr. Reynolds to approve the Special Permit for development within the Wetlands and Floodplain Protection Districts Zoning Bylaw Section 135-608.  
Vote: 5/0

Motion by Mr. Reynolds, second by Ms. Lauria to approve the Special Permit under Buffer Zone Zoning Bylaw Section 135-702(B).  
Vote: 5/0

Motion by Mr. Reynolds, second by Mr. Eng to approve Site Plan Review Zoning Bylaw Section 135-711.  
Vote: 5/0

Motion by Mr. Reynolds, second by Ms. Lauria to approve the parking under Zoning Bylaw Section 135-806(C).  
Vote: 5/0

Motion by Mr. Reynolds, second by Mr. Eng to waive the traffic study requirement pursuant to Zoning Bylaw Section 135-1404.  
Vote: 5/0

Motion by Mr. Eng, second by Mr. Reynolds to approve the project subject to the Conditions as amended.  
Vote: 5/0

Respectfully submitted,

Beth Herlihy



## 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  
Michelle Lauria, Member

Braintree Planning Board  
March 13, 2012 – Public Hearing @ 8:15 P.M.  
Town Hall

# APPROVED

#### Present:

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

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

Almquist Estates (Elmlawn Road Extension/Elmlawn LLC  
Application: Definitive Subdivision Amendment  
#10-03

Mr. Harnais opened the Public Hearing at 9:25 P.M. and read the Public Hearing notice.

Attorney Brian Palmucci, representing the Applicant, Elmlawn LLC and the Project Engineer, Borderland Engineering, was present and addressed the Planning Board.

Atty. Palmucci gave a brief history of the project stating that the Planning Board had approved the Almquist Estates eight (8) lot subdivision in July of 2010. Since that time all eight (8) lots have been sold, seven (7) homes have been constructed and 95% of the public improvements have been completed. In the fall of 2011 a surveying error that had been carried over from the original recorded Definitive Subdivision Plan that the Planning Board had approved in 1989 was detected. The error involves the southern lot line which is off by approximately two (2) to three (3) feet causing Lot #1 and Lot #8 to be out of zoning compliance. Atty. Palmucci continued that a significant amount of work between his client, the lot owners, the builder and developer had been done to get to the point where they are now with the amendment so that everyone's concerns are addressed. He stated that this is a regrettable mistake that they hope to remedy with approval of the amended plan that is now before the Board.

Atty. Palmucci explained that the amended plan calls for three (3) changes to the 2010 Subdivision Plan which he outlined for the Planning Board. The first will be that the southern lot lines of Lots #1, #7 and #8 will be changed to reflect the actual boundary lines. The amended plan refers to these lots as #1A, #7A and #8A. The second change will be that the internal lot line between lot #7A and #8A will be shifted approximately 6.5 Ft. to the west which is by agreement between the lot owners. This involves an easement of approximately 373 Sq. Ft. of land. Atty. Palmucci said that it was important to note that this does not impact any existing structures. The third change that is requested is the shifting of the front property line of lot #1A 2.5 Ft. into the street layout. This requires a waiver from the design standards of the 50 Ft. calling for an easement of approximately 271 Sq. Ft. He noted that on the street layout this is a relatively minor change which would have no negative impact on the public improvements that have been completed in the area. He continued to explain that this is minor in nature because the plan had already allowed for a transition from 40 Ft. to 50 Ft. in the right-of-way coming off Robert Street. If the waiver is granted none of the physical characteristics of the public improvements will change. Also there will be no safety issues created. Atty. Palmucci concluded by saying that this error can be corrected with no negative impact to the lot owners. Atty. Palmucci stated that the comment by Ms. Santucci Rozzi regarding landscaping (noting that it has been too early to plant) has been very helpful. He did note that the plantings (including 15 – 20 trees) are on site and will be planted as soon as the weather permits. He finalized by saying that the amendment presented to the Planning Board presents no negative impact to the lot owners and is an appropriate remedy to the situation.

Mr. Harnais opened the Public Hearing to those in attendance for comments. Gary P. Smith, of 49 Robert Street, Braintree, MA 02184 addressed the Planning Board. Mr. Smith stated that the view from his property has changed and the raised cul-de-sac causes the headlights from vehicles traveling in the area to shine in his house. He continued that the new houses are very different from the rest of the neighborhood, trees have been moved and some residents now have water problems. Mr. Smith concluded by saying that he does not feel that the Town has monitored this development adequately.

Bruce P. Sheehan, of 198 Elmlawn Road, Braintree, MA 02184 addressed the Planning Board. Mr. Sheehan informed the Board that only five (5) of the new homes are currently occupied. He continued that the trees on site to be planted are Christmas trees and are lying on the ground.

Mr. Harnais opened the Hearing to the Planning Board members for comment. Ms. Lauria had no questions at this time. Mr. Mikami asked Ms. Santucci Rozzi if she has been to the site. She replied that she had been on site on several occasions. Ms. Santucci Rozzi informed the Board that the Planning Department has received only one (1) complaint from a neighbor regarding water in the basement and by looking at the topography it was determined that this resident is located up gradient from the site. She continued that the Conservation Agent has been on site and has assessed the drainage swale. Ms. Santucci Rozzi stated that the project is not complete and that the Planning Staff has been working with Mr. Endriunas regarding the plantings.

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Another site visit will be conducted within the next couple of weeks to assess the situation and the planting will be done in the spring. Ms. Santucci Rozzi confirmed for Mr. Harnais that the surety bond being held is in the amount of \$50,000.00.

Mr. Eng inquired if the Planning Staff has approved landscape and drainage plans and were these plans followed. Ms. Santucci Rozzi replied that there is an Approved Definitive Subdivision Plan and a Progress As-Built Plan. The drainage improvements have been followed within a couple of inches of what had been approved on the plan. There is a minor item relative to the catch basin that Mr. Endriunas is currently addressing. The house locations are as proposed. It was noted that the Planning Board does not approve house locations but does approve driveway locations.

Mr. Eng referred to the comment by Mr. Smith regarding water problems asking if the plans had not been followed. Ms. Santucci Rozzi again noted the one (1) complaint that had been received which was upstream and up gradient. She stressed that this was the only complaint. Ms. Santucci Rozzi continued that there is a drainage swale behind Lots #4, #5 and #6 that had required cleaning, which was completed. She continued that periodic site visits were conducted and there were no concerns with the Staff. Mr. Eng stated that he wanted to be sure that Staff reviews the plans and do site visits to be sure that construction was done according to the plans that were approved. Mr. Reynolds asked if there had been a discussion between the Town Engineer and the abutter having the water issue. Ms. Santucci Rozzi again stated that there was only one (1) complaint. Mr. Reynolds again inquired if they had received a response from the Town. Ms. Santucci Rozzi stated that she had a discussion with the gentleman raising the complaint (she believes the resident is on Conrad Street) regarding the topography, grading and other issues that may be contributing to the problem. She continued that she had spoken to a former town employee that lives on the down gradient side that has expressed no concerns. Mr. Reynolds stated that his main concern was that someone had a discussion with the abutter that was experiencing the water problem.

Mr. Harnais stated that the Planning Board is only reviewing the Application for the lot lines that are being changed and that other concerns must be brought to the attention of the Planning Department. Atty. Palmucci stated that Elmlawn, LLC and Borderland Engineering respect the concerns of the residents and they are here before the Planning Board to rectify the errors. Mr. Harnais asked if any concerns the lot owners may have in regards to the lot lines have been addressed. Atty. Palmucci replied that that had signed off on the proposed amendment. Mr. Eng inquired if there were letters of agreement from the land owners for the proposed amendments. Ms. Santucci Rozzi clarified that the signed as owners on the Application. Mr. Harnais inquired if there were any additional concerns. Ms. Santucci Rozzi stated that Lot #1 will comply if the Waiver is granted. It was noted that the owner of Lot #2 was not willing to agree to alter his shared lot line with Lot #1. Hence the owner of Lot #1 is seeking to alter the front lot line. Ms. Santucci Rozzi has reviewed the previous decision and explained that as part of the Original Subdivision Approval in July of 2010 the Planning Board granted a Waiver from the

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Design Standards Minimum Layout Width of 50 Ft. down to 40 Ft. from Station 0+00 to Station 1+20. She noted that the Planning Staff suggests that the waiver be granted from Station 1+20.

Motion by Mr. Reynolds, second by Mr. Eng to accept the Correspondence List dated February 13, 2012 to March 7, 2012.

Vote: 5/0

Motion by Mr. Reynolds, second by Mr. Eng to close the Public Hearing at 9:50 P.M.

Vote: 5/0

Ms. Santucci Rozzi requested that the Planning Board make two (2) motions on the Definitive Subdivision Amendment.

Motion by Mr. Reynolds, second by Ms. Lauria to grant the Waiver from the Design Standards Minimum Layout Width of 50 Ft. down to 47.5 Ft. from Station 1+20 to Station 2+18.

Vote: 5/0

Motion by Mr. Reynolds, second by Mr. Eng to grant approval of the Definitive Subdivision Amendment with Conditions.

Vote: 5/0

Respectfully,

Beth Herlihy