



Joseph C. Sullivan
Mayor

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

PLANNING BOARD

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

APPROVED

Braintree Planning Board
March 8, 2011
Town Hall

Present:

Mr. Harnais, Chair
Mr. Reynolds, Vice Chair
Mr. Eng, Clerk
Mr. Mikami, Member
Ms. Lauria, Member

Christine Stickney, Director
Melissa Santucci, Principal Planner

Mr. Harnais 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

Request for Minor Modification / 20 -60 Forbes Road
Karma Nominee Trust
#10-07

Attorney Frank Marinelli, 439 Washington Street, Braintree, MA 02184 was present to represent the applicant, Karma Nominee Trust (c/o Carpenter & Co., Charles Square, 20 University Road, Cambridge, MA 02138.

Visual board used in the presentation.

Attorney Marinelli addressed the Planning Board giving a brief description of the proposed project. Atty. Marinelli explained that the new hotel space would be reduced to 204 rooms from the 374 rooms that had been in the existing Sheraton building. There will be a reduction in the ballroom space as well resulting in a limited service facility. There will also be retail and restaurant space.

The applicant has been working with Jared Jewelers as a potential tenant and Attorney Marinelli stated that they were coming before the Planning Board to "tweak" the plans to fit the needs of this tenant. The building in question is in the 'Retail B' pad. 5,700 square feet had been previously approved and they would like to increase that to 6,064 square feet.

Brian Dunden of R. J. O'Connell & Associates, Inc. added that this change amounts to 1/10th of 1% and that the owner of the property is acceptable to this change regardless of the occupying tenant. There will be no net loss in parking and this is a minor modification to accommodate the needs of the prospective tenant.

Ms. Lauria had no questions at this time.

Mr. Mikami expressed that he was happy that there was a prospective tenant lined up and just cautioned that they watch the signage bylaw. The Planning Board was informed that Jared Jewelers is aware that they will have to seek relief if the signage does not comply.

Mr. Eng stated that he would like to see a revised floor plan. He also wanted to know where the moved parking space was now located. Mr. Dunden replied that the original 11 in this area had been reduced to 10 with the moved space now being located by the dumpster.

Mr. Eng questioned what the red square boxes on the plans were. The one marked 'T' is the new transformer pad and the one marked 'D' is the dumpster pad. Mr. Eng asked if the new building format complies with all the setback requirements. Ms. Santucci informed him that it did.

Mr. Reynolds had no further questions. He stated that the changes were minor and he felt that they had no impact on the previous decision.

Attorney Marinelli told the board that there was no lease yet but they were working with the prospective tenant to accommodate their requirements.

Ms. Stickney addressed the Planning Board asking for a motion to deem and approve the minor modifications.

Motion by Mr. Reynolds, second by Mr. Eng to deem and approve the minor modifications.

Vote: 5/0

Zoning Board of Appeal Petitions – March
Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Sections
135-403, 407, Article 7, Section 701
#11-01

Applicant Tony Tran, of 51 Somerville Avenue, Braintree, MA 02184, was present to request relief from the above Zoning Bylaw requirements for a (10.4 ft. deep by 26 ft. wide) deck already constructed at the rear of the existing dwelling at the above mentioned property.

Mr. Tran presented the Planning Board with a packet regarding his request, including the letter that he had presented before the Planning Board during the meeting held

on January 11, 2011 and a letter signed by his neighbors asking that he be allowed to keep the deck as it had been constructed.

Mr. Tran addressed the Planning Board accompanied by two of his neighbors, Nancy Daly, of 45 Somerville Avenue, Braintree, MA 02184 and John McNeil, of 16 Wellington Street, Braintree, MA 01284.

Mr. Harnais stated for those present that the Planning Board can only make a recommendation and that the decision ultimately comes from the Zoning Board. He again explained the circumstances regarding 'hardship' as it pertains to the Planning Board being soil, topography etc.

Mr. McNeil, the rear abutter to Mr. Tran's property told the Planning Board that of all the neighbors, he is the closest to the deck than anyone and that he has no problem with it. He informed the Planning Board that he also had been granted a variance. Mr. Harnais questioned when he had received his variance. Mr. McNeil replied in 1998 or 1999.

Ms. Daly said that she lives next door to Mr. Tran and that their properties are quite close together. She explained how the old deck was falling apart. Mr. Tran built the new deck with out having knowledge of permit requirements. According to Ms. Daly, the neighbors love the new deck. She also had received a variance in the past for the construction of a porch.

Mr. Harnais explained to those present that a 'finding' pertained to an issue being "detrimental to the neighborhood" and that a 'variance', being based on specific laws, is much harder to get. These are two separate things.

Mr. Eng again explained 'hardship' as to it's applicability to the Planning Board.

Mr. McNeil stated again that he had received a variance in the past.

Mr. Harnais responded that he was not sure how he received a variance in 1998. This Planning Board requires that the 'hardship' standard must be met. He informed Mr. Tran, Ms. Daly and Mr. McNeil that the Planning Board does not grant the variance, the Zoning Board does, and that the Planning Board makes its decisions based upon the law. 'Hardship' to the individual in not 'hardship under the law'.

Ms. Lauria wanted to know what had changed since Mr. Tran last came before the Planning Board on January 11, 2011. Mr. McNeil stated that it was his belief there had been a typo on the plan previously submitted. Ms. Lauria questioned if she was looking at the same information. Ms. Santucci informed her that the plot plan was identical to the one previously submitted.

Mr. Harnais stated that the plan had always been correct with the dimensions of the new deck.

Ms. Daly said that speaking for the neighbors they were shocked over the decision and they felt that it was not fair.

Mr. Harnais replied that the current Planning Board could not answer for decisions made by previous Boards. He stated that there are standards and laws and the current Board must abide by them.

Ms. Lauria had no additional comments or questions.

Mr. Mikami commented that he was gratified to see that Mr. Tran's neighbors had appeared on his behalf. He also wanted to reiterate what the Chair had said regarding the fact that the Planning Board must abide by the standards and rules that have been put in place. He advised Mr. Tran to look specifically for hardship as it pertained to those rules and standards, and then argue these aggressively before the Zoning Board.

Mr. Reynolds also expressed his appreciation of the show of support from the neighbors. Mr. Reynolds addressed the issue of variances that had been granted in the past. He suggested to Mr. Tran that if indeed there were other decks or structures in the neighborhood that were in violation or did not comply, he encouraged him to look in to this and bring evidence before the zoning board.

Mr. Harnais again stated that the Planning Board can only make recommendations based on law, not on the individual. The motion must be based on facts and comments.

Motion by Mr. Reynolds, second by Ms. Lauria to not recommend approval.
Vote: 5/0

Request for Relief from Bylaw Requirements under Chapter 135, Sections 135-904.2, (5) and Sections 135-407
#11-14

Mr. Richard Pretorius of Pretorius Electric & Sign, 267A South Main Street, West Bridgewater, MA 02379, representing GAMESTOP located at 500 Grossman Drive Braintree MA 02184, addressed the planning board. The owner of the building, Staples, of 500 Staples Drive, Framingham, MA 01702, is also the current tenant, with internal area division to accommodate GAMESTOP a secondary business.

Mr. Pretorius gave a brief description of the situation. He informed the Planning Board that GAMESTOP is a small store, only 19' wide, and currently has a small sign on the front of the building. Presently there is no room on the sign at the highway. The applicant is requesting an additional sign on the side of the building.

Ms. Lauria wanted to know why should approve this request.

Mr. Pretorius explained that there was little exposure for the store and that no one knows that it is there.

Mr. Mikami wanted to know if Mr. Pretorius attends Planning Board meetings in other towns. He said that he did. Mr. Mikami then questioned if he reads the Bylaws in other towns. Again Mr. Pretorius responded that he did. Mr. Mikami further questioned, then why can he not comply to the signage requirements in Braintree. Mr. Pretorius again emphasized that the existing sign is small and that the business needs additional exposure. Mr. Mikami stated that there are rules established for specific reasons.

Mr. Harnais asked if GAMESTOP was a national chain. Mr. Pretorius replied that it was. Mr. Harnais questioned if they would be willing to comply with the sign size requirements. Mr. Pretorius believed that they would if they were allowed to have the 2nd sign. Mr. Eng wanted to know if they would change the color.

Ms. Santucci informed the Planning Board that the current sign was already installed, and if the make up of the new sign is the same as the current it would not comply as internal red lighting is not allowed. They would be able to have a red face with white lighting inside.

Mr. Eng inquired if Mr. Pretorius was willing to make the sign with a red face and white internal lighting? He replied that he would have to check with the client.

Mr. Reynolds questioned that with all the factors taken into consideration, were any other options pursued. Mr. Pretorius said there had not.

Mr. Harnais wanted to know if the Building Department had seen the pictures provided of the sign and were aware of the colored lighting. Mr. Pretorius replied that they had.

Motion by Mr. Eng, second by Mr. Mikami to vote unfavorably if the proposed sign was to be the same size and be constructed with the red lighting.

Vote: 5/0

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Sections 135-403, 407, Article 7, Section 701
#11-16

The applicant, Mr. Eric Kubicki of 322 Commercial Street, Braintree, MA 02184, addressed the Planning Board. Mr. Kubicki explained the proposed work to be done at the property located at the above address. He would like to install dormers, to upgrade the size of and the heating of the second level.

Ms. Lauria had no questions at this time, stating that a low roof is not considered a 'hardship'.

Mr. Mikami inquired if Mr. Kubicki had consulted with Ms. Santucci regarding his proposed construction project. He had not. Mr. Mikami stated that the Planning Department is quite helpful.

Mr. Eng continued by asking if Mr. Kubicki had read the recommendations. Again he said no. Mr. Eng stated that the roofline was not the problem with the proposed construction but that there are other issues. He asked Mr. Kubicki if he was aware of the other issues. He was not. Mr. Eng told him that the set backs are in violation. Ms. Santucci informed the Planning Board that the zoning of Residence C increases the setbacks. The applicant is also requesting to build a cover for the existing deck.

Mr. Reynolds stated that he did not have a problem with the proposed dormers but that he would like the applicant to revisit the deck issue with the Planning Department Staff.

Motion by Mr. Eng, second by Mr. Reynolds to take no action until a new application is submitted to the Planning Department Staff.

Vote: 5/0

Ms. Santucci informed the Planning Board that there were two more Zoning Board of Appeal Petitions on the Agenda, however the applicants were not yet present. She requested that these be tabled to the end of the Planning Board meeting to see if the applicants were in attendance at that time.

Request to Waive Floodplain Jurisdiction
Metropolitan Yacht Club – 39 Vinedale Road
Requested by Peter Williams, of Vine Associates/GZA on behalf of the MYC

Peter J. Williams, P.E., of Vine Associates/GZA, 190 Old Derby Street, Suite 311, Hingham, MA 02043, was present to represent the applicant, Metropolitan Yacht Club, 39 Vinedale Road, Braintree, MA 02184.

Mr. Williams addressed the Planning Board, informing them that he was requesting non-jurisdiction for the proposed bulkhead replacement and revetment repair project. He informed the Planning Board that this project has the approval of the Conservation Commission and the Massachusetts DEP.

Ms. Lauria had no questions.

Mr. Mikami had no questions.

Mr. Eng had no questions.

Mr. Reynolds asked those present at the meeting if there was any commentary from neighbors. There were no comments.

Motion by Mr. Reynolds, second by Mr. Eng to move forward and grant the waive of floodplain jurisdiction.

Vote: 5/0

Request to Waive Floodplain Jurisdiction
79 Lunar Avenue
Requested by Oxbow Associates on behalf of Dorothy Schnetzer, Property Owner

Brett Trowbridge, Field Technician II, of Oxbow Associates, Inc., P.O. Box 971, Acton MA, 01720, was present to represent the applicant, Dorothy Schnetzer, 79 Lunar Avenue, Braintree, MA 02184.

Mr. Trowbridge addressed the Planning Board and gave a description of the proposed project. The applicant plans to replace the existing deck at the property located at the above address, with a slightly larger sunroom.

The proposed sunroom will be at the same elevation as the existing deck and the alterations will have little effect on the floodplain, therefore they are requesting the waiver.

Ms. Lauria had no questions.

Mr. Mikami had no questions.

Mr. Eng asked for confirmation that the new sunroom would be the same height as the existing deck. Mr. Trowbridge confirmed this.

Mr. Reynolds stated his agreements with the Planning Department Staff's assessment and the Conservation Commissions Negative Determination of Applicability, and had no further questions.

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

Green Building Presentation by Mr. Bruce Luchner of Sustainable Braintree

Mr. Bruce R. Luchner, of 416 John Mahar Highway, Unit 3305, Braintree, MA 02184, representing Sustainable Braintree, was present to give the presentation on Green Building to the Planning Board.

Mr. Luchner introduced himself to the Planning Board and informed them that he lives at Jonathan's Landing. Mr. Luchner then explained his reason for coming before the Planning Board. It is the desire of the Sustainable Braintree organization to provide the town (and the Planning Board) with Green Building options that could then be provided to potential developers.

Mr. Luchner explained both 'HERS' (Home Energy Rating System) something to suggest to developers that may influence buyers and 'LEEDS' (Leadership Energy Environmental Design) a point system for Green Building, as examples of information that the town/Planning Board could provide.

Page 8
Planning Board Minutes
March 8, 2011

Ms. Lauria had no questions.

Mr. Mikami had no questions.

Mr. Eng asked Mr. Luchner if Sustainable Braintree could put together a list that could be presented to developers. Ms. Santucci requested information on policy guidelines as well.

Mr. Harnais felt that this would be a good way for the town, the Planning Board and potential developers to take some pro-active steps. Mr. Reynolds stated that he would like to see literature on the topics that Mr. Luchner presented.

Zoning Board of Appeal Petitions – March
Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Sections
135-403, 407, Article 7, Section 701
#11-06

No Planning Board recommendation, applicant, Dr. Ann-Marie Roche of 141 Edgehill Road, Braintree, MA 02184, unable to attend meeting.

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Sections
135-403, 407, Article 7, Section 701
#11-15

No Planning Board recommendation, applicant, Joanne Maggio of 33 Marshall Street, Braintree, MA 02184, no show at meeting.

Approval of Minutes for 1/11/2011 and 2/08/2011

Motion by Mr. Reynolds, second by Mr. Mikami to approve the Planning Board minutes from the meeting dated Tuesday, 1/11/2011.

Vote: 5/0

Motion by Mr. Mikami, second by Ms. Lauria to approve the Planning Board minutes from the meeting dated Tuesday, 2/08/2011.

Vote: 5/0

Motion by Mr. Reynolds, second by Mr. Mikami to adjourn at 10:05 P.M.

Vote: 5/0

Page 9
Planning Board Minutes
March 8, 2011

Respectfully submitted,

Beth A. Herlihy



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

APPROVED

PLANNING BOARD

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

Braintree Planning Board
March 8, 2011 – Public Hearing @ 8:25 P.M.
Town Hall

Present:

Mr. Harnais, Chair
Mr. Reynolds, Vice Chair
Mr. Eng, Clerk
Mr. Mikami, Member
Ms. Lauria, Member

Christine Stickney, Director
Melissa Santucci, Principal Planner

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

Mr. Harnais opened the Public Hearing at 8:25 P.M.

Mr. Harnais 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.

Attorney Carl R. Johnson III, 536 Granite Street, Braintree, MA 02184, was present to represent the applicant.

Visual board used in presentation.

Attorney Johnson addressed the Planning Board and presented them with a packet including historic zoning maps and land court plans. Atty. Johnson gave a brief description of the lot sizes in question and why the applicant requests a rezone. In 1940 the town adopted Zoning Bylaws, resulting in there being business zones at the corners of West Street. The structure on the property that last had Jimbo's Restaurant as the occupant has been a restaurant since 1950. The restaurant as it stands is really not acceptable any longer. Atty. Johnson explained that due to various road construction projects and upgrades, portions of the property were taken to facilitate these improvements. Therefore the parcel has effectively 'shrunk'.

Attorney Johnson explained that zoning is not forever, and that it was important to take a good look at the area of Five Corners. He also mentioned the change in zoning along the area known as the Granite Street corridor. It is Atty. Johnson's belief that the zoning in general needs to be cleaned up to better recognize its use. The town has recognized the need for revitalization of older property and the time of this older restaurant with its parking and traffic challenges has past. A newer business in this location would be desirable.

Attorney Johnson also discussed the property's high visibility. He mentioned that he had been asked about potential tenants. Atty. Johnson stated that they were working with TD Bank and that having them as a tenant would increase tax revenue for the town, bring in jobs and generally improve the aesthetics of the parcel. The rezone will clear up land (zoned residential) that is already being used for business.

Mr. Harnais opened the hearing up to the public for comment. Ms. Santucci requested that everyone addressing the Planning Board sign in on the sign in sheet to have an accurate record of their names and addresses.

Mr. Michael McGourty of 1 Meghan's Way, Braintree, MA 02184 addressed the Planning Board.

Visual board used in presentation.

Mr. McGourty stated that he was also speaking for his mother who resides at 290 West Street and his brother residing at 15 Colby Road. He said that while they are not opposed to redevelopment they are opposed to the extension of general business zoning, resulting in an approximate increase of 150% from the original size. General business zoning being less restrictive would allow for 70% building coverage and 90% lot coverage with only a 10 ft. buffer strip with the neighbors being required.

Mr. McGourty feels there is no benefit to them as neighbors and he hopes that there will be a non-favorable recommendation. He also asks that the Town Councilors deny. Mr. McGourty thanked the Planning Board.

Mr. Alan Flowers of 48 Fallon Circle, Braintree, MA 02184 addressed the Planning Board. Mr. Flowers said he was speaking against the rezoning proposal as he has spoken against others in the past. This represents land use that the residents do not want.

Mr. Flowers mentioned what he considered to be previous rezoning mistakes that he does not want to see compounded. He described the Panera Bread area as a disaster, saying that it is an 'F' in circulation, parking and flow. In addition he criticized some of the Planning Boards past zoning recommendations. Mr. Flowers said that this proposal is essentially a strip mall, not a building and feels that there are other alternatives. He cited the ATM at the corner of Grove and Liberty Streets.

Mr. Flowers wants this parcel to maintain its current zoning and encourages the Planning Board to reject the rezone proposal.

Patricia Evers of 110 Herbert Road, Braintree, MA 02184 addressed the Planning Board.

Ms. Evers voiced her opinion as to the daily problems with traffic in this area. She wants to retain the appearance of West Street. Ms. Evers questioned the need to tear down a residential building to accommodate more parking. She said that this is not something that just affects the West Street community, but rather a town wide project. Ms. Evers feels that the entire town of Braintree should be concerned and she wants to preserve the beauty of West Street.

Ruth Powell of 263 West Street, Braintree, MA 02184 addressed the Planning Board.

Ms. Powell stated that she had lived here for 52 years and mentioned her service with the town Finance Committee. Ms. Powell feels that it is not a good idea to 'down zone' saying that you can not go back. She also said that she had heard that there had been a neighborhood meeting but she had not received any notice to attend. Ms. Powell is appalled at the building that has been going on in town and she cited Franklin Street and Pearl Street as examples. She recommends that no rezone take place.

Maher Marhamo of 319 West Street, Braintree, MA 02184 addressed the Planning Board.

Mr. Marhamo does not think there is a need for additional retail in this area saying that the South Shore Plaza is close enough. There is already a traffic and safety issue. Mr. Marhamo described how narrow the street became and the difficulty getting in and out of his driveway due to the excessive amount of snow this winter. He feels that the proposed project would take away from the beauty of the residential area and asked the Planning Board to please vote no on the rezone.

Cathy Mosezzo of 99 Colby Road, Braintree, MA 02184 addressed the Planning Board.

Ms. Mosezzo wanted to know if the town encourages business growth. She asked for a show of hands of those residents present that wanted more growth. No one raised their hand. Ms. Mosezzo informed the Planning Board that she had been corresponding with Ron Marshall of F.X. Messina Enterprises. She asked him why they could not scale down the proposed building to fit the existing size. Mr. Marshall responded that it did not make economic sense.

Ms. Mosezzo also mentioned the traffic issue in this area saying that it was quicker for her to walk to Citizens Bank than to drive. She believes that other possibilities should be looked in to. Ms. Mosezzo stated that she would prefer living in a town with less business or to have her taxes raised than to have more business. She feels that this issue does not just concern the neighbors but that it would be setting a precedent for the entire town.

Marina Ristuccia McHugh of 31 Lincoln Street, Braintree, MA 02184 addressed the Planning Board.

Ms. McHugh said she was speaking in opposition of the proposed rezone. She said that this is not just about one home being rezoned, but instead is about the door being opened for much bigger business development. Ms. McHugh also used the development of the Panera Bread location as an example, stating that there has been no improvement to the traffic, the parking or the congestion. She feels that by allowing the rezone they would be forever changing the 'blueprint' of this community. She believes that enough is enough, and urges the Planning Board to make an unfavorable recommendation.

Noel Bowler of 300 West Street, Braintree, MA 02184 addressed the Planning Board.

Ms. Bowler stated that she is against the proposed rezone. She also used the traffic situation and the problems with the Panera Bread area as examples. Like a resident that spoke previously, Ms. Bowler walks to that area rather than driving. She feels that the existing lot is fairly big and she does not see the need to have the home torn down.

Edith Mariano of 83 Colby Road, Braintree, MA 02184 addressed the Planning Board.

Ms. Mariano explained that she grew up in Quincy and left there due to a similar zoning issue where she felt that the homeowners were not being protected. She feels that as residents the homeowners should be protected and she urged the Planning Board to keep the residents faith and trust by protecting them in this rezone proposal.

Adrienne Michel of 250 West Street, Braintree, MA 01284 addressed the Planning Board.

Ms. Michel informed the Planning Board that she has two boys that will be attending Braintree High School next year and due to their proximity to the school they will have to walk as they are with in one mile of the school and therefore will not have a bus provided to them. She feels that a dangerous traffic situation exists in this area and she has concerns over her children's safety. Ms. Michel feels that the proposed project will have at least 50 parking spaces and that the traffic situation will become worse. She explained that she herself was "almost killed" when trying to walk to Dunkin Donuts, and would like the Planning Board to take this dangerous traffic situation into consideration.

Katie Hannon of 305 West Street, Braintree, MA 02184 addressed the Planning Board.

Ms. Hannon was representing her parents Barry T. and Deborah K. Hannon who could not be present at the Public Hearing. Ms. Hannon read a letter that had been prepared

(and previously sent to the Planning Department) by her father Mr. Barry T. Hannon. This letter had been provided to the members of the Planning Board. Mr. Hannon's letter says that while he is in support of modest sized branch bank (what he feels to be a good and reasonable use of the land) he is opposed to additional retail or business on this site.

Jan Scranton of 21 Colby Road, Braintree, MA 02184 addressed the Planning Board.

Ms Scranton stated that she had the same comments and concerns as everyone who had already spoken. She is concerned over the traffic and the lights at five corners. She commented on the difficulty in getting in and out of the Firestone property and also expressed worries over the students that live with in a mile of Braintree High School and must walk.

Ms. Mosesso again came before the Planning Board. She read a statement from the Planning and Community Development website regarding quality of life, public welfare, traffic and public safety. She urged the Planning Board to practice what they preach.

Brian McGourty of 15 Colby Road, Braintree, MA 02184 addressed the Planning Board.

Mr. McGourty simply stated that the rezone is of no benefit to the residents.

There were no additional individuals in attendance that wished to speak before the Planning Board.

Ms. Lauria had no questions at this time.

Mr. Mikami addressed Attorney Johnson. He asked if the Planning Board could be provided with a financial analysis for the next Planning Board meeting. He would like this to include information regarding the potential tax revenue for the town.

Attorney Johnson stated that there is a prepared assessment and this will be put in narrative format.

Mr. Mikami asked when Jimbo's vacated the structure on the property. This occurred approximately 2 years ago. Mr. Mikami then asked for a description of what transpired after Jimbo's left as a tenant. Mr. Robert W. St. John, Director of Planning for F.X. Messina Enterprises addressed the Planning Board. He explained that Jimbo's had been there for a long time as a tenant and after they left, Messina Enterprises attended business conventions in the effort of finding a new occupant for the property. They had worked with Panera Bread for some time for this location, but eventually came across TD Bank. It took about a year, but a lease with TD Bank was finally worked out. Mr. St. John explained that TD Bank has strict prototype requirements.

Mr. Mikami inquired if it was part of the lease requirement with TD Bank that there be a second building on the property. Mr. St. John replied that it was not. The second building is part of the proposal to make it economically feasible. Mr. Mikami wanted to know if any other options were explored. Mr. St. John explained that the economic downtown has strongly affected the ability to get a tenant for the property. The current zoning issue affects most retailers. He stated that TD Bank is a strong company and that it was their best alternative.

Mr. Mikami continued by saying that other development seemed more logical, and he questioned if there was a way to accommodate the neighbors concerns. Could there be just one building since it is not required in the lease with TD Bank to have the second building? Mr. St. John replied that this had been looked in to and again stressed the strength of TD Bank as a company.

Mr. St. John described a TD Bank building that was recently completed in Hingham Massachusetts.

Visual board used in the presentation.

Mr. Mikami continued his line of questioning regarding the second building. Mr. St. John replied that while rents are down there are still mortgages that need to be paid. Mr. Mikami wanted to know if the second building was rented or if it was on spec. Mr. St. John informed him that it was on spec. Mr. Mikami stated that in these tough economic times they are taking an economic bet that they will be able to rent the second building. He still feels that the proposal could be altered to accommodate both TD Bank and the neighbors. Mr. St. John said that they may or may not, and while he respects peoples beliefs this is the proposal they are presenting to the Planning Board tonight. Mr. Mikami again questioned if there is a way to have a solution that works for everyone.

Mr. Eng wanted to know if Mr. St. John is the only planner working for F.X. Messina Enterprises. He replied that is true.

Mr. Eng asked what the square footage of the existing Jimbo's structure is. It is over 7,000 sq. ft. He then inquired what the total sq. ft. is of the proposed bank and drive-thrus. Mr. St. John informed him that total is 3,700 sq. ft. Mr. Eng wanted to know that if the bank was able to essentially fit in Jimbo's, what is the thought behind the second building? Mr. St. John again replied to make the value and economics of the project work.

Mr. Eng stated that he was sensitive to adding the additional building. He has no problem with TD bank, but would like to investigate the possibility of fitting the bank with in the existing footprint. Mr. St. John again explained the amount of planning that had gone in

to the proposal with TD Bank. Mr. Eng replied that he appreciates the time, however there must be a balance between the banks needs and those of the neighborhood. He again wanted to see if the bank could fit in with out the need for a rezone. He also asked if there had been a traffic analysis. Mr. St. John informed him that there had been an analysis and that it showed no affect. Mr. Eng said that based on the public opinion expressed tonight, if there was any chance of traffic getting worse, it looks like the proposal will meet with a lot of opposition. Mr. St. John went over the existing and proposed curb cuts, as well as the difference in usage hours between a restaurant and a bank. He again stated that a lot of thought and planning had gone it to this proposal and they had initially tried to fit TD Bank in to the existing structure footprint however that had not met their standards. He again stressed the economic benefits to the town as well as the fact that F.X. Messina Enterprises is aware of the residents' concerns.

Mr. Eng then turned the questions to the issue of the parking spaces. He wanted to know if the existing spaces were more or less than the proposed spaces, and what number were going in. Mr. St. John said there were 50 spaces going in. Mr. Eng wanted to know how many were there for the Jimbo's facility. Mr. St. John said he was not sure. Mr. Eng asked if the proposed parking conformed. Ms. Santucci said that it did. Mr. St. John said that they will submit a traffic analysis.

Attorney Johnson addressed the Planning Board stating that they were here for rezoning purposes not here for the details. They will come back for special permits and site plan review. Atty. Johnson informed those present that he had grown up on West Street, and worked on Granite Street and was well aware of the traffic concerns. Mr. Harnais told Mr. Johnson that it was difficult to look at the zoning based solely on the requests of TD Bank, and that it was the job of the Planning Board to look at the details.

Mr. Reynolds stated that he knew that this would not be an easy application. He goes through that neighborhood often and he does feel that the details are an issue. He stated that the Planning Board members are stewards for the town and what is best for the community. They must make sure that economics, quality of life and public safety are all in balance. While he appreciated the comments presented to the board, he wanted to assure all those present that the Planning Board does not take their responsibility lightly. He did disagree with some of the comments made in regard to the Planning Board. Mr. Reynolds did not feel that he had enough facts for him to make an informed decision. He stated that the Planning Department Staff Report was well done and he encouraged people to take a look at it. He is interested in seeing the traffic counts. Mr. Reynolds concluded by stating that there are residential property owners and business property owners and that they all had rights. He appreciates the efforts of the residents, applicant and Planning Department Staff.

Page 8
Planning Board Minutes
March 8, 2011 Public Hearing @ 8:25 P.M.

Motion by Mr. Reynolds, second by Mr. Eng to table the hearing until March 29, 2011 at
7:00 P.M.
Vote: 5/0

Respectfully submitted,

Beth A. Herlihy