



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
May 13, 2014

Town Hall – Johnson Chambers

Present:

Mr. Robert Harnais, Chair
Mr. Joseph Reynolds, Vice Chair
Mr. James Eng, Clerk
Mr. Darryl Mikami
Ms. Melissa McDonald

Christine Stickney, Director
Melissa SantucciRozzi, Principal Planner

APPROVED

Chairman Harnais called roll at 7:06 p.m.

Zoning Board of Appeal Petitions – May

ZBA (14-13) 7:06 p.m.
85 Vinedale Road / Michael Jolls

Mr. Jolls addressed the Board and asked if Staff and the Board needed any documents, Melissa SantucciRozzi said the Board has received everything needed. The Applicant explained that due to his growing family, he would like to demolish his existing single family dwelling to build a new one.

The proposed plan will improve the front yard setback on one of the streets. He explained that the current single level house is inadequate. The Plot Plan submitted shows all other setbacks remain as they exist.

Mr. Mikami asked if the Applicant consulted with Staff. Mr. Jolls said he did and he understands the feedback from Staff but he said he feels the neighborhood is no longer a beach community with small houses. There are several larger homes as close as a few lots away, although the lots are larger.

Mr. Mikami said, in the neighborhood the majority of the houses are smaller than what the Applicant is proposing and he didn't understand the hardship under the Zoning laws.

Mr. Harnais explained the definition of hardship to the Applicant.

Mr. Mikami said it is difficult to consider this without a hardship and the proposal will only intensify the situation. The Applicant explained the foundation will not support a second addition so this is why he came up with the proposal. Mr. Mikami said that is not a hardship.

Mr. Eng said he reviewed the plan and asked if the unused attic could be used as a bedroom. Applicant said they intend only to use the attic as storage space. Mr. Eng suggested the Applicant find alternatives to the setback issues because the proposed design doesn't make it better. Mr. Eng agreed that there is no hardship.

The Applicant said he attempted to conform to bylaws; the footprint is almost identical just relocated. Mr. Eng pointed out that the proposed structure is significantly larger and this would disturb the surrounding homes. The Applicant said his neighbors are in agreement.

Mr. Reynolds noted the pre-existing non-conforming lot size setbacks. He pointed to the height of the proposed plan as breaking the precedence of what the Board has set. He agreed with the other members that this should be not as tall as what the Applicant proposed.

Mr. Harnais had no comments and called for a Motion.

Mr. Reynolds made a Motion for an unfavorable recommendation of the proposed plan but welcomed the Applicant back with a revised plan; Mr. Mikami seconded the Motion.

Vote: 4:0:0

ZBA (13-54) 7:25 p.m.

100 River Street / Gary Gabriel

Gary Gabriel addressed the Board.

Ms. SantucciRozzi explained that the Application was continued because the proposal needed revisions to make it more favorable to the floodplain; he will be back to the Planning Board for a Special Permit and Site Plan Review if this Application prevails.

Mr. Harnais confirmed that this Application was not heard previously.

Mr. Gabriel addressed the Board, he said the property was damaged by a flood in 2010 at which time, all the tenants were displaced. He said that Staff informed him that the property is located entirely within a 100 Year floodplain. He originally intended to rebuild the existing structure and add to it but learned from Staff that it is entirely in a floodplain. Accordingly, he revised the plans. He is proposing to fill the existing foundation, build a metal building without a basement to create 3 contractor bays.

He said some of the neighbors are against it, concerned about the truck traffic but Mr. Gabriel said he felt it is a better use considering the floodplain.

Mr. Mikami asked if there were cars accessing the property previously. Mr. Gabriel said yes, there were tenants so cars commonly accessed the property. When the building flooded, all the tenants were moved out.

Mr. Mikami asked Staff if this is a Special Permit. Ms. SantucciRozzi said yes. Mr. Mikami asked how large the bays will be. Mr. Gabriel said it is 50 FT deep x 18 FT wide so it will not house a large truck. Further, he said the space is entirely inside – there is no area for parking outside. Mr. Mikami confirmed the proposed building will be the same footprint.

Ms. SantucciRozzi informed the Board that a patio and shed will be removed to improve the floodplain. Mr. Gabriel confirmed he will increase the open space thereby absorbing the water.

Mr. Eng asked Mr. Gabriel about the commercial intention of the building. Are the residents upset? Mr. Gabriel said the direct abutters are okay with the plan but the neighbors on Myrtle Street feel there will be too much truck traffic. Mr. Eng confirmed that it will solely be contractor space, used for truck storage only.

Mr. Reynolds did not have any objections – he said it was a good proposal and passive use.

Mr. Reynolds made a Motion for favorable recommendation; seconded by Mr. Eng.

Vote: 4:00

ZBA (14-14)

833-843 Washington Street (Cumberland Farms)

Applicant and/or representatives of Cumberland Farms did not attend the meeting therefore, the Board did not discuss the matter.

Melissa McDonald arrived at 8:00 p.m.

(8:00 PM)

(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 and Jim Douglas, O.I.B. Corporation

Andrew McKown, McKown Associates, LLC, Blasting Engineer

Patrick Brennan, Amory Engineers, P.C. – Town of Braintree Consulting Engineer

Mr. Harnais addressed the audience and explained that the acoustics in Johnson Chambers were a challenge and asked if the audience would please refrain from personal discussion and remain quiet.

Mr. Marchionda addressed the Board; he first addressed the traffic issue. He said that at the March 25th meeting, a traffic issue was noted by the District Councilor. In response, Mr. Marchionda hired a traffic expert from Bayside Engineering; they counted cars, recorded speeds and measured sight line distances where Whites Hill Drive and Liberty Street intersect. Based on actual speeds, they are well within all the recommendations set by the American Association of State Highway Transportation Officials.

Mr. Marchionda next addressed the issue of blasting; he said as requested, O.I.B. conducted a blasting study, he then introduced Mr. McKown.

Mr. McKown addressed the Board and said there will be rock cuts necessary for sewer main construction and later for some house lots. This will require blasting as there is a massive amount of rock. He provided some requirements to limit the impact of those residents living in the area. Mr. McKown said that most important was ground vibrations that shake homes and air-over vibrations that rattle windows. The limits conform to Massachusetts code that is based on limitations set by the US Bureau of Mines. Additionally, he recommended the placement of Sentries posted during the drilling and blasting to ensure that nobody can enter the area during blasting. He said there will be a minimum of 6 seismographs in the closest locations to the site which exceeds the Massachusetts requirement of one or two. Mr. McKown recommended drillers logs, blast mats and video tapes to mitigate the throw rock. Also required are mufflers to minimize noise, water to keep dust to a minimum and rodent control.

Mr. Marchionda returned and addressed an issue of public access on Lot 17. He explained they are proposing to give a 30 FT wide easement across Lot 17 connecting the existing Town owned open space to the proposed 5 acres of donated land.

He also addressed the requested 30-40 FT tree buffer along the rear lot line of Lots 2-6. He pointed out that during this approval process in 2004, the developer was asked by the Town Engineer and the Water Superintendent to provide an easement in the same location the buffer is being requested for

connection of the waterline on the existing road into the water line that feeds the existing water tower. He said the Town had been planning on doing this for many years. To do so, within the easement, the Town would have to clear 20 FT path in this location. However, as part of the Amendment Plan, we are providing that loop connection elsewhere. Instead, we are willing to provide a 15 FT buffer of existing vegetation along the rear property line.

The next issue Mr. Marchionda addressed was emergency access to the water tower from the cul-de-sac. He said they will provide emergency access, if required to do so.

The next issue Mr. Marchionda answered the question of reducing the length of the road. He said no, they will not reduce the length because doing so will severely impact the number of lots in the subdivision by reducing the frontage needed to meet the town requirements.

The next issue Mr. Marchionda addressed was the impact on school overcrowding. Mr. Marchionda did not feel there will be enough children from 9 homes that will afford an impact study. Ms. SantucciRozzi added that she requested a comment from Dr. Murray, Superintendent of Braintree Schools. Dr. Murray is in the process of preparing a report concerning school impact.

District #4 Councilor O'Brien addressed the Planning Board. He reiterated his opposition to this proposal. He said he reviewed Mr. McKown's blasting report and he questioned McKown Associates credibility to report as blasting experts. Additionally, he said he believed the Traffic Study was too short or done at an inappropriate time (during school vacation). He asked the Planning Board to reconsider the submitted Traffic Study.

Further, Councilor O'Brien said the tremendous length of road proposed for the Whites Hill project should not be equated with Harness Lane by comparison. He noted that this project, if approved, will be as unsightly as Harness Lane; he preferred that this project be no longer than 400 FT.

Next, Mr. O'Brien stated his opposition to connecting the emergency access to a right-of-way. He said he believed adding a "connector" will open the door to future development.

Lastly, he said he remains opposed to the 40 FT access/egress; he questioned the Traffic Study and said the drainage, blasting and school overcrowding remain a concern.

Mr. Marchionda asked the Chair if Mr. McKown could address his credentials. Mr. Harnais said he researched Mr. McKown's expertise; he assured those concerned that Mr. McKown has proper credentials.

Mr. Marchionda then defended the traffic study; he said an additional study is not required, but they will do it. Regarding the emergency access, he said Police and Fire didn't have a problem with it. If they don't get the waivers, they will be forced into a Boulevard Road which will require more blasting, paving and drainage.

Ms. SantucciRozzi said she will be consulting with the Fire Department in regards to the emergency access connection; if they don't feel we need it, we should not pursue it.

Chair asked for public comments.

Robert McCarthy, 16 Pilgrim Road

Mr. McCarthy had some questions for Mr. McKown about the water tower and asked if this will require more seismograph and blasting studies. Mr. McKown answered yes, and explained the necessary cautions because of the water tower. He said he spent some time at the site and at the water tower, with these additional measures described in place, he said the water tower should be fine.

Joanna Newton, 34 Lincoln Street

Ms. Newton asked if the traffic study was for speed or for the number of cars. She said the typical amount of traffic on Liberty Street is higher than that during school vacation, when this study was recorded. Mr. Marchionda explained that vacation week would actually be advantageous because of the way the numerical statistics are calculated.

Ms. Newton explained that her property was damaged from the prior drilling and what recourse do the homeowners have if more damage occurs. Mr. McKown explained that a pre-blast survey will be done for each home within 250 FT to the blast area. The survey will document the pre-existing conditions of each home. Mr. McKown said Ms. Newton is not within 250 FT and her risk is much less than those within the 250 FT. She requested to be included for a pre-blast survey.

Russ Neary, 22 Lincoln Street

Mr. Neary also expressed his concerns about blasting regardless of the measures proposed. He asked how they go about repairs when and if damage is done. Mr. Marchionda explained that there is insurance in place to cover damage as a result of the blasting.

Mr. Neary said fracturing may not appear immediately. Mr. McKown said there will be no fracturing beyond 12 FT of the blast hole, he anticipates small vibrations felt in millimeters within the safe limits for homes. If damage does occur, the blasting contractor and insurance company are liable for the repairs and the cost.

Mr. Harnais interjected that the Planning Board can request the 250 FT radius be extended. The Planning Board will review the area and make sure those affected will be protected beyond the 250 FT radius.

Frank Bocchino, 87 Mayflower Road

Mr. Bocchino asked for an estimate of the volume of ledge that will be removed. Mr. McKown said he did not do a volume calculation, Ms. SantucciRozzi looked up the submitted calculation from Marchionda, she said the numbers submitted on March 6, 2014, were 3,000 CY (for the roadway cut, not the house construction or Road A) and the fill will be 8,000 CY.

Mr. Bocchino also asked about a timeframe of the work.

Mr. Harnais said the Planning Board learned about the problems with damage in the past and the Board will take that into consideration. He assured Mr. Bocchino that a timeframe along with numerous guidelines will be provided.

George Keegan, 66 Mayflower Road

Mr. Keegan said he is concerned about the 2 detention basins that will drain into an existing basin which hasn't been maintained for 8-10 years. He said that the existing basin is located behind 46 Mayflower Road. He said the ditch/pipe was intended to drain the homeowner's property, not the 19 acres behind it. He continued to say that a representative of the Developer said that only natural downhill drainage was being utilized. Mr. Keegan said there is nothing natural about detention basins and concrete pipe.

Mr. Keegan said he reviewed recorded documents at the Norfolk Registry of Deeds that detail the ownership of the acreage from 1950's through the current owner. He did not see any recorded drainage easements on 46 Mayflower Road or anywhere else. He said he was told that the owner [of 46 Mayflower Road] should hire an attorney and fight the proposal. Mr. Keegan explained that the owner is an elderly woman and shouldn't have to pay for legal representation to protect her property from damage from a reckless developer who doesn't have regard for the neighbors or the town. Mr. Keegan said a new drainage plan should be demanded. He said several previous developers agreed that this property could not be developed because of the drainage. He demanded a million dollar bond to cover damage for at least 2 years from a reputable company, prior to the blasting and cover all property within a half mile from the blast site.

Mr. Marchionda responded, he explained the drainage plan that reduces the rate of release of drainage into the existing and proposed basins. He is confident there are no issues with additional drainage.

Marina Ristuccia McHugh, 31 Lincoln Street

Ms. McHugh said her main concern is the length of the road. She said the first subdivision was 400 FT. She said that although she heard that they would be forced into doing a boulevard, there is room to compromise, a road at 950 FT will not force the developer to make a boulevard and not set precedence.

She questioned the emergency access and was informed from Ms. SantucciRozzi that the emergency access, if required, would not be paved. She then mentioned her concern for the water tower. She said it is the oldest water tower in Braintree. She is concerned that damage to the tower and the homes will not be covered.

Danielle Clifford, 15 Claremont Street

Ms. Clifford said she missed the last meeting, she asked about the open space and the donated property to the town.

Mr. Marchionda explained they are proposing to donate 5 acres to the Town; the Town already has property designated as open space on the other side of Lot 17. The Town is requesting that if approved, Lot 17 be donated as well, but in lieu O.I.B. the Developer would grant a 30 FT access easement over Lot 17 to create contiguous open space for walking or hiking.

Mr. Russ Neary, 22 Lincoln Street

Mr. Neary said the lots are connected without access over Lot 17. Mr. Marchionda agreed but said they are only looking to work with the Town's request. Ms. SantucciRozzi explained her discussions with the Conservation Department. If the land is donated and the Town accepts it, we would want to open up as much access as possible. Walking up past Lot 17 and around the water tower is more difficult where it gets steep and it isn't the easiest land to traverse. She said it is in the Town's best interest to negotiate access.

With no further public comments, the Chair opened comments to the Planning Board.

Ms. McDonald said, with respect to the new waivers, the new drainage basin requires a 50 FT buffer, but she said Staff informed her that there are only a few trees in this area. Mr. Marchionda confirmed that there are only a few trees in that area and said it would not make sense to relocate the basin to accommodate the 50 FT buffer. Ms. McDonald confirmed with Mr. Marchionda that the second drainage basin would take care of the drainage volume.

Ms. McDonald requested more detail on the amount and volume of the blasting impact on the surrounding homes and asked if there were calculations.

She commented that a pre-blasting survey is a good idea but said it should extend to the entire neighborhood and a substantial bond be posted. She said the buffer area to the rear of lots 2-6 should be enlarged to 30-40 FT. Ms. McDonald said she spoke with Dr. Murray (the school Superintendent) who did not have any objections about the project.

She addressed Mr. Marchionda regarding Lot 17. Mr. Marchionda explained that Lot 17 is not buildable at this time. There is a controversy about the right to use it as legal frontage or access. That will take time and discussion with the Town and Developer's Attorneys.

Finally, Ms. McDonald said she recommends a pre-blast Condition and a Condition for pest control measures.

Mr. Mikami addressed Mr. Marchionda about the traffic study. He noted a pedestrian walkway may be necessary. He wanted to see a fire department representative during blasting. He also asked about the plan for blasting.

Mr. Marchionda deferred to Kevin Emery who said that it may not occur all at the same time because of lot development. He said that ideally, it would be beneficial to do the blasting all at the same time but it's unrealistic to think that it will happen that way.

It was determined the responsibility is on the blasting company, not O.I.B. Mr. Mikami called for a sufficient bond to guarantee any and all damage will be repaired. Mr. Mikami also noted that there is a drainage problem. He clarified also that Lot 17 is "currently unbuildable".

Mr. Emery explained said that Lot 17 was removed to determine in Land Court if the lot is legally buildable. Until that is decided, they cannot do anything with the Lot.

Mr. Eng also addressed blasting. He believes a Condition to include damage claim timeframe, procedure, payment and timely processing of payments. He supported Mr. McKown's expertise. Mr. Eng revisited Lot 17 and said he does not agree with the Developer putting this off till later. He said he does not want the neighborhood to go through blasting again in the future.

James Douglas one of the property owners, addressed the Board, he said it's very complicated. He explained there are title issues as well as other issues with Lot 17. The Developers have to work out the title issues and all the logistics before anything be done with the lot. He said there is issue over the water tower R.O.W. easement.

Mr. Harnais asked Mr. Douglas if they intend to donate Lot 17 after the details are determined. Mr. Douglas said he cannot answer that because it's not something that can be done now.

Mr. Eng asked Mr. Douglas when the litigation began on Lot 17. Mr. Douglas said that the water tower R.O.W. easement issue arose.

Mr. Douglas said that they purchased the property, with an ongoing issue of an overburdened easement. It took years and years of contested court litigation. Mr. Marchionda clarified the tax benefit and loss, if the lot was deemed buildable prior to donation.

Mr. Harnais asked again if the Developer is committed to donate the lot. Mr. Douglas did not clearly answer that.

Mr. Eng asked Mr. Douglas when the litigation began, how long it has been undecided. Mr. Douglas did not clearly answer that. Mr. Eng said it is concerning that it has taken this long to resolve the issues with this Lot.

Mr. Reynolds then commented and questioned the traffic study, the buffer and drainage on Lots 2-6.

First, he said he felt a second traffic study is warranted.

Next, Mr. Reynolds wanted to understand the water line looping and how it relates to a 15 FT buffer instead of the suggested 30-40' buffer over Lots 2-6.

Mr. Marchionda explained that the Town has a 20 FT easement along the back of the lots to accommodate long range plans to constructed a waterline over Mayflower Road, through the woods, around and then to tie into the water tower. He said, if that were done, a 20 FT line of trees would be removed.

Alternatively, this project proposes to incorporate that loop in an alternate location which means the existing easement has no use in looping the water line. This reduces the expense for the Town and disturbs fewer trees. Additionally, he explained that a 40 FT buffer is not reasonable considering the grading necessary for these lots. The lots are only 25,000 SF with a steep slope, a 15 FT buffer could work but not 30-40 FT.

Mr. Reynolds said there has to be a balance to protect the rights of the property owners and the abutters. He questioned the retention basin next to house # 21. Mr. Reynolds said the burden of the buffer should be on the homes within the development not those outside the development. He said the lots should grade away from the properties on Pilgrim Road. He said the runoff has to be controlled with grading but expressed concerns that the intended measures may be lost long term considering the lots will be built by other contractors. He pointed out that it will be a challenge to enforce grading during construction. He suggested a Condition indicating the Planning Department review the lot grading prior to the issuance of a Building Permit for the houses.

Mr. Marchionda agreed the runoff has to be controlled during development of the lots. He explained he would like more time to review a smaller buffer. He asked if Mr. Brennen agreed, he said yes, lots 2-6 need some terracing with retaining walls to slow the runoff and protect the homeowners on Pilgrim Road.

Mr. Reynolds asked about the runoff sediment. Mr. Marchionda said the pipe has to drain at 2 CF per second or higher to wash out the sediment. Mr. Brennen added that as long as the basins are maintained properly, they will be free from sediment.

Ms. SantucciRozzi addressed the traffic study. She said she supported the study and added that volume traffic data is not required in the Bylaw. Mr. Reynolds clarified that he is in agreement but felt it would be good faith to do an additional traffic count. Mr. Marchionda believed what was presented is sufficient but will agree to do another volume count.

Mr. Harnais suggested that it would be a good measure to settle those who question the results Mr. Marchionda intimated they would do another study.

Theresa Feeney, 86 Pilgrim Road asked if the study could be done during peak times such as rush hour and school commuting hours. She also noted blasting times. It was explained that it was a 24-hour count.

Mr. Harnais commented that the length of the road is an issue and asked about the current status of the Lot 17 legal decision. Mr. Douglas said they had one attorney look at it and decided to get another opinion from another attorney who specializes in title matters.

Ms. SantucciRozzi clarified with the Chair that the current proposal does not include Lot 17. Mr. Harnais confirmed that the project does not include Lot 17.

Mr. Marchionda asked if the Board needed anything further, he was reminded of the second Traffic Study and Mr. Eng reminded him about a draft of blasting damage claim procedures.

Marina Ristuccia McHugh, 31 Lincoln Street

Asked if Road A could be reconfigured so the cul-de-sac could provide enough frontage to make this a buildable lot. Mr. Marchionda said it will have to make the road longer adding construction costs which ultimately devalue the property.

There were no further questions or comments, the Chair called for a Motion to continue.

Mr. Reynolds made a Motion to Continue to June 10, 2014, at 8:00 p.m.; seconded by Mr. Eng

Vote: 5:0:0

(10:00 p.m.) (Mr. Reynolds did not participate, he missed the prior testimony)

**(Continued Public Hearing) Washington Street (behind 285 Washington St.) (14-01)
Grading Permit / HUB Construction and Maintenance Company**

Attorney Carl Johnson, for the Applicant
Sean Hardy, P.E., Hardy Engineering, Inc.
Gerald Hart, Property Owner

Mr. Johnson explained that this appearance is ministerial. Relative to Conditions, he said the Town Engineer commented that the waterline be looped per their recommendation and the Applicant expected it to be added as a Condition.

Mr. Johnson commented that Condition 22 requires a maintenance plan for the storm water system.

Additionally he noted Condition 33 states that the grading be completed in accordance with the plans. He emphasized that any objectionable material found in excess of 2100 CY will be removed.

Regarding Condition 34 on the plans, there are two trees that are over a certain caliper that will be preserved. A landscape plan reviewed by the Conservation Planner for the front of the lot will be provided.

Mr. Hardy noted that construction material was found and it will be removed, he confirmed that the majority of the fill is loam.

Mr. Eng asked if there is a plan for the design to catch drain water from flowing elsewhere. Mr. Hardy said it was being properly handled and the town engineer agreed. There is no change in volume of infiltration storage. He confirmed that there is no change in the pattern of groundwater and said there is a letter submitted by Town Engineer in agreement.

Mr. Hardy also stated that he believed the Grading Plan is final. Mr. Johnson explained that this is agreeable to residents at Faulkner Place since they have wanted a level grade for 30 years.

Ms. Ruth Blunt, 24 Faulkner Place addressed the Board and handed them pictures of the fill that she believes has debris in it. She would like all of the soil to be removed. Mr. Harnais said it will be cleaned up.

Mary Colleary, 301 Washington Street addressed the Board regarding the test pits. She asked if the tests require video documentation and if so, was it submitted to the Town. Mr. Hardy responded, he said the test results were submitted to the Board.

Ms. SantucciRozzi said that typically when tests pits are dug, they make the Town aware that they are doing it. In certain situations the Planning and Conservation staff will witness the tests. In this situation, the Town was properly notified and it was decided that the tests did not have to be witnessed. The photos and logs that the Applicant submitted were sufficient.

Ms. Colleary asked Mr. Hardy if the soil test results were submitted. Mr. Hardy said the soil logs were submitted and noted on the Plan.

Ms. Colleary asked if "Dig Safe" was contacted when the test pits were being dug. Mr. Hardy answered her, saying that he believed that "Dig Safe" was contacted; there are no markings because the lot is far enough away from the street that they are not required.

Ms. Colleary inquired about trees being planted behind the condos. Ms. SantucciRozzi asked Ms. Colleary about an existing bank of trees, she visually showed Ms. Colleary 50 FT of woods indicated on the plan.

Mr. Paul Colleary, also of 301 Washington Street, addressed the Board referring to Test Pits 3 and 4; he noted potential soil conditions in Test Pit 4 and the water level at 43". He asked if Mr. Gratta contacted "Dig Safe" and if he could see the "Dig Safe" number. Mr. Harnais said that the number is provided when the grading permit is issued.

Mr. Colleary asked about Test Pit 4 located on the left lot on the Plan; he believed the driveway was located at elevation 54. He noted that whether a house has a basement or slab, a foundation is still required which he believes will be 4 FT under water and he questioned how a building permit could be issued. [The Board took some time to review the Plan and verify Mr. Colleary's concern].

Mr. Colleary also wanted to know about the "white pipe". Mr. Johnson addressed Mr. Colleary he said he spoke with the Blunts (former property owners) who told him they did not know what it is; they said it had been there for about 40 years. Ms. SantucciRozzi said that the white pipe has been addressed in the Conditions. Mr. Hardy said that they couldn't determine why it was there, it was not part of a perk test or why it is full of water. If it were a drain pipe, it would be perforated.

Regarding Mr. Colleary's concerns about the water level around the foundation, he said that the Building Department requires a perimeter drain around the foundation to intercept water. Beyond that, Mr. Hart will live on the property; it's not likely that he wants to put his house in jeopardy.

Ms. Colleary again addressed the Board, relative to the bank of trees; she said that in the winter the trees are bare.

Mr. Johnson reminded the Board that they are there for a grading permit.

Ms. McDonald said her questions have been answered.

Mr. Mikami asked Mr. Hardy about the process of removing the soil per D.E.P. regulations – Mr. Hardy explained that the Town Conservation Department reflects the same standards; the debris will be removed, sorted and handled properly by HUB who has a D.E.P. License. He assured Mr. Mikami, none of the material is hazardous.

Mr. Eng had no other concerns.

Ms. SantucciRozzi asked about an encroachment issue. She said the property owner of 285 Washington Street in years past, has paved over some of this property on the right side of the driveway. She asked Mr. Johnson if there is a plan to deal with the encroachment.

Mr. Johnson asked if it is a zoning issue. She said that Staff would like the property to be free from any encumbrances for a future sale. Mr. Johnson said Mr. Hart hasn't determined what he will do about it yet.

The Chair called for a motion to approve the correspondence dated March 17, 2014 through May 12, 2014. Mr. Mikami made a Motion to accept the correspondence; seconded by Mr. Eng.

Vote: 4:0:0

Mr. Harnais did not have any comments; he said he understands Ms. Colleary's concerns and trusts that Mr. Hardy will comply with the Building Code concerning the foundation. He called one last opportunity for public comments, there were none.

Mr. Harnais called for a Motion to close the Public Hearing.

Mr. Eng made the Motion to close the Public Hearing; seconded by Ms. McDonald.

Vote: 4:0:0

Mr. Harnais said that Condition #25 addresses the public concern about a white pipe that was uncovered in the soil.

Mr. Eng asked if the two Condition amendments previously discussed have been written.

Ms. SantucciRozzi noted that Condition #33 will include "and any unsuitable material in excess of the 2100 CY." She said the fill will be compensated with an amount of new fill as necessary.

Regarding Condition #34, she said that she corrected an error between the 14 IN and 18 IN tree.

She added that included is Condition #42, a request in a letter from Engineering on the water line.

Mr. Hardy asked about Condition #22, he said that since there is no structure to clog, there is no maintenance, he noted that snow plowing would not affect the drainage.

Ms. SantucciRozzi reminded him that Condition #22 includes the clearing of leaves relative to the rip-rap but maintenance logs are unnecessary.

Mr. Eng made a Motion to Approve the Grading Permit with Conditions; seconded by Ms. McDonald.

Vote: 4:0:0

(10:45 PM)

(Continued Public Hearing) 2001 Washington Street – CATS Academy (formerly Norfolk County Respiratory Hospital) (14-02)

Grading Permit / 2001 Washington Street LLC (14-02)

Attorney Douglas Troyer, 45 Braintree Hill Office Park, Braintree representing Applicant
Steve Goodman; 2001 Washington Street, LLC
Eugene Sullivan; Engineer for CATS Academy

Mr. Troyer addressed the Board and said that since the prior meeting, he met with Staff to detail specific plans and draft Conditions have been prepared. Since that meeting there were numerous conversations with the Planning, Engineering Departments and believe all of the concerns have been addressed.

He said he reviewed the proposed Conditions and have a couple of comments. He noted Condition #55 restricting who will park on the property. Mr. Troyer specified that no residential students will have vehicles and proposed the term “non-residential students” be added to the Condition.

Mr. Mikami asked further about the parking. Mr. Troyer clarified that the majority of the students will be housed within 400 dormitories; these high school students will be residents. Sufficient parking is provided for Staff and Faculty and a few students that are non-residential, housed at local families, may drive to the school. This will allow off-campus students to park. Mr. Mikami said it was determined that the original language was ambiguous.

Mr. Stickney suggested the language stay as is that states if there is an enrollment issue, they can return to the Planning Board. Mr. Troyer said they agree.

Mr. Harnais asked Mr. Troyer if he reviewed Condition #79, he said he did and is in agreement.

Mr. Harnais asked Mr. Troyer about the retention pond. Mr. Troyer said it has been adjusted slightly already to get it away from the park area but they stated they will look into other alternatives. Mr. Harnais said the Board will rely on his commitment to look into it.

Mr. Harnais opened questions and comments to the public; there were none.

Ms. McDonald commented that she was in favor of CATS Academy and said her questions have been answered, she had no further questions.

Mr. Mikami confirmed that the Applicant met with the Mayor and there were no issues. Mr. Troyer assured him the Mayor is in support of the project. Mr. Mikami noted the request for an impact assessment concerning water, etc. Mr. Troyer said they provided water/sewer information from the Town. CATS Engineer, Eugene Sullivan said they don't anticipate using more water than the previous hospital use did.

Mr. Troyer offered that they have also met with Town Fire and Police resulting in substantial changes to meet any public safety issues.

Mr. Mikami questioned the sport surface change from natural grass to paved tennis court surface. Mr. Troyer said that it was a maintenance decision. He said the Zoning department issued a variance

finding that it was not more detrimental than the preexisting. He clarified that Peter Morin, Town Solicitor who will be revising the numbers in the Zoning Board Decision.

Mr. Stickney noted a concern was the relocation of the drainage basin to save the existing parking lot. She said they have to make sure the numbers work for any adjustment for lot coverage. Mr. Sullivan said they are working safely under the number limits. She suggested to keep the project moving forward, that they agree to the revision date of May 13th, 2014 and work those plans through in the 20-day appeal so they will reflect those changes.

Mr. Eng referred to Bob Campbell's comments and the corner line of sight difference. Ms. Stickney confirmed that his concerns have been addressed in Condition #78 and they have addressed water and sewer issues. Mr. Sullivan assured Mr. Eng he intends to work together with Engineering.

Mr. Eng asked the intentions of CATS Academy; Mr. Troyer said they are entering a 20 year lease.

Mr. Harnais said he's looking forward to CATS coming to Braintree. He asked about the sports that would be offered and if visiting teams would come to the site. Mr. Troyer said only non-competitive soccer and tennis is offered for CATS students.

Mr. Harnais called for a Motion to enter the correspondence dated 3/13/2014 – May 13, 2014. Mr. Mikami made the Motion; seconded by Mr. Eng.

Mr. Harnais called for a Motion to close the Public Hearing. Ms. McDonald made the Motion; seconded by Mr. Eng.

Mr. Eng made a Motion to approve the Grading Permit with the Conditions including Condition #79 and revision date changes to the site layout Grading Plan to reflect May 13, 2014; seconded by Ms. McDonald.

Vote: 4:0:0

Approval of Minutes March 25, 2014

Chair Harnais called for a Motion to accept the March Minutes.

Mr. Eng made a Motion to accept the Minutes of March 25, 2014; seconded by Mr. Reynolds.

Vote: 4:0:0

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

Mr. Eng made a Motion to adjourn; seconded by Mr. Mikami.

Vote: 4:0:0

The meeting adjourned at 11:05 p.m.

Respectfully Submitted by,
Elizabeth Schaffer