



# 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  
June 10, 2014  
Town Hall – Johnson Chambers

APPROVED

Present:

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

Christine Stickney, Director  
Melissa SantucciRozzi, Principal Planner

Chairman Harnais called roll at 7:05 p.m.  
Ms. Melissa McDonald was not present

## Zoning Board of Appeal Petitions – June

**ZBA (14-15) 7:06 p.m.**

### **188 Franklin Street / Blaine Brew**

Mr. Brew addressed the Board and explained he wants to add an addition due to his expanding family.

He would like to add 4 FT onto an existing garage expand it to the rear and build a second story addition above it. He explained that the front left side of his property measures 7.5 FT from the lot line; the back measures 18.8 FT from the lot line, averaging above the 10FT variance. He is seeking approval for a variance and submitted a letter of approval from his neighbor whose property abuts his lot.

Mr. Mikami asked Mr. Brew if he spoke with the Planning Department. Mr. Brew said he only approached the Building Department.

Mr. Eng asked if there was an abutter on the opposite side of the house, Mr. Brew said no, that is the access road to the High School. Mr. Eng confirmed with Mr. Brew that he intends to remove the existing garage and sunroom, build an addition and a new garage. He noted that the lot was tight and in violation of the 10 FT setback on the front left corner of the garage.

Mr. Eng recognized that the Applicant spent a lot of time and money by the plan submitted. He inquired about the possibility of another plan to accomplish the addition. Mr. Brew explained that he and his architect considered all the alternatives but any addition is limited by a rear easement. Mr. Eng asked if the Applicant considered this a hardship. Mr. Brew said yes, it was a hardship.

Mr. Reynolds acknowledged that this is a difficult situation and explained the definition of hardship to the Applicant. Mr. Brew then noted ledge on the left side of the property, located on the 10 FT easement. The easement drops off about 5-6 FT and acts as drainage for the Town property.

Ms. SantucciRozzi clarified for Mr. Reynolds that he cannot occupy the 10 FT easement with a structure. She noted that the property is also subject to the 30 FT, Residence B Open Space buffer.

Mr. Reynolds said he physically viewed the property and found the home to the left is too close. Mr. Brew said his proposal will actually be 16-18 FT to the abutting structure. Mr. Reynolds explained the difficulty of the Board setting bylaw precedence.

Mr. Harnais commented that this is an odd shaped lot which is the hardship, and had no further questions.

Ms. SantucciRozzi referred to the Staff Report noting the narrow lot and that it abuts the Braintree High School access drive, which is zoned Open Space. The 30 FT buffer cannot be used at all. There is an existing structure in that area that you are proposing to add to which will require a Special Permit.

Mr. Reynolds asked further about the size of the addition compared to the neighbor's 2 story house.

Mr. Mikami summarized the Staff comments for Mr. Brew; he said he will have to first get a variance from the ZBA and then a Special Permit from the Planning Board. He explained further that the Special Permit will have Conditions that will prevent any future change, so he made the Applicant aware that he has to be absolutely sure of the plan.

Mr. Harnais called for a motion.

Mr. Eng declined making a motion because he was not in agreement with setting precedence and said they need more information about the abutting structure.

Mr. Reynolds made a Motion for no recommendation; seconded by Mr. Mikami.

**Vote: 4:00**

7:30 p.m.

**(Public Hearing) 126 Cecilia Road / Don Nugent**

Mr. Harnais read the Legal Notice of the Public Hearing for the record.

Staff recommended a continuance to July 8, 2014 at 7:45 p.m.

Mr. Reynolds made the Motion to Continue; seconded by Mr. Mikami.

**Vote: 4:0:0**

**ZBA (14-16) 7:47 p.m.**

**75 Granite Street / Herb Chambers of Braintree, Inc.**

Attorney Frank Marinelli addressed the Board on behalf of the Applicant and presented a brief history of ownership of the building. He submitted drawings of the proposed sign and detailed where the proposed sign will be located on the center of the renovated façade facing Granite Street.

Mr. Marinelli explained that the proposed signage is the sole public exposure.

Mr. Eng asked Staff if we have other signs in the town that are this big. She said yes, and Mr. Marinelli Pointed out some of the store front signs are at South Shore Plaza.

Mr. Eng noted the percentage of the increase – Mr. Marinelli ran through the numbers and said the square footage of the signage has been increased by 72% but the letter height still conform.

Mr. Reynolds asked if the physical length of the building front wall will remain the same. Mr. Marinelli said the front façade will not change. Mr. Marinelli agreed to review the letter kerning and the letter height to find a way to stay within 150 SQ. FT.

Mr. Harnais did not have any questions and called for a Motion.

Mr. Reynolds made a Motion for favorable recommendation conditioned on the size of the sign being 150SF in length; seconded by Mr. Eng.

**Vote: 4:0:0**

(8:00 PM)

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

**Definitive Subdivision Plan Amendment**

Due to a Board Member absence, Applicant requested the matter be continued to July.

Mr. Reynolds made the Motion to Continue to July 8, 2014 at 8:00 p.m.; seconded by Mr. Mikami.

**Vote: 4:0:0**

(8:11 PM)

**(Discussion) Subdivision / Oregon Avenue (03-17)**

Mr. Jamie McGrath on behalf of the Applicant, addressed the Board. He asked the Board for a time extension to complete the road in accordance with the September 2013 Conditions.

Mr. Mikami reminded Mr. McGrath how much time has passed and the project was delayed. Mr. McGrath explained that the project originated with 4 partners; two of which have filed for personal bankruptcy. He said additionally, there were other problems and projects to straighten out. Because of this, Mr. McGrath explained that last fall when he was asked by the Planning Department, he was in no condition to finish the road.

Mr. Mikami said this has gone on long enough and did not see why the Planning Board should permit an extension. Mr. McGrath said now, if given a chance, he would like to complete the road.

Mr. Eng asked Mr. McGrath that if the Board allowed you to finish the project, what guarantee will he offer to assure the Board that it will be completed. Mr. McGrath reminded him of the surety bond (still in place) held by the Town. Mr. Eng said he wants to see the project completed with care and quality workmanship.

Mr. Reynolds thanked Mr. McGrath's interest in completing the project. He checked with Staff to update him on the issue.

Ms. SantucciRozzi said that on October 8, 2013 Board declared the subdivision in default and called the Bond. Subsequent to that meeting, both Zampine Realty Trust and the Surety Company were promptly notified of this action. On November 12, 2013, Zampine Realty Trust requested that the Board reconsider their votes. She said she was not able to communicate with the Bond Company until the middle of March, 2014 and in May 2014, Mr. McGrath requested to be put on the Planning Board meeting agenda.

Mr. SantucciRozzi noted her outline of what needs to happen before the Board can reconsider the default status. The policy language relative to reconsideration states the Request for Reconsideration has to be received within 14 days of the Vote; she said that did not happen. An availability of new facts or a change in relevant circumstances could also prompt reconsideration; she said that is up to the Board to decide. The Board must vote to waive their policy and if that motion is approved by a super majority then a Motion To Reconsider is required.

Mr. Reynolds asked Mr. McGrath if he had read the Staff Report, Mr. McGrath said yes. Mr. Reynolds acknowledged Mr. McGrath's explanation of bankruptcy and asked his response of his Request to Reconsider not made within 14 days of that October Vote. Mr. McGrath explained that in October of 2013, he was in no position to make any request to finish the road. He did not have financial leverage until December after the completion of two projects in Weymouth. Mr. Reynolds asked if this prohibited him from communicating with the Board. Mr. McGrath said there was no resolution, the 2 partners filed for bankruptcy and he then had a 50% interest in the project. Mr. Reynolds clarified that this is why he didn't meet the 14 day window. He asked if Mr. McGrath if he is now in a position to continue with the same level of assets and resources. Mr. McGrath said yes, he sent Staff a project schedule based on the independent engineer's punch list.

Mr. Harnais addressed the Applicant and expressed his discontent that Mr. McGrath did not address the neighbors. That left the Board to explain to the neighbors that they have not been informed, leaving them stranded. He asked Mr. McGrath what happened and said it was not fair to the neighbors that they are not at this meeting.

Mr. Harnais suggested that a decision for reconsideration be continued to next month to allow the neighbors to be present to enable their input.

Mr. Mikami addressed the Chairman and asked if the Board would hear the alternative to reconsideration. Ms. SantucciRozzi answered, stating the bond company has not forwarded the bond. Staff is waiting for the bond to put the remaining work out for bid.

Mr. Mikami asked Staff if \$78,000.00 is enough to finish it and then the residents can petition to have the road accepted. Ms. SantucciRozzi said according to the bond estimate from September of 2013, this was sufficient. Ms. Stickney added that the Town Councilor should be consulted. Ms. SantucciRozzi agreed to request someone from the Bond company to attend the July 8, 2014 Planning Board meeting.

Staff requested the Applicant to submit a detailed estimate that matches the construction schedule, indicating the Applicant's cost to date.

Mr. Harnais called for a Motion to continue. Mr. Reynolds made a Motion to Continue to July 8, 2014 at a time to be determined; seconded by Mr. Eng.

**Vote: 4:0:0**

(8:35 PM)

**2001 Washington Street / Approval Not Required / 2001 Washington Street, LLC**

Attorney Douglas Troyer, 45 Braintree Hill Office Park, Braintree representing Applicant

Steve Goodman; 2001 Washington Street, LLC

Eugene Sullivan; Engineer for CATS Academy

Ms. Stickney explained that there is not a staff report for this matter, it is a simple combination of two lots into one lot.

Mr. Mikami made a Motion to recommend endorsement of the ANR for 2001 Washington St., CATS Academy Plan; seconded by Mr. Reynolds.

**Vote: 4:0:0**

**Approval of Minutes May 13, 2014**

Chair Harnais called for a Motion to accept the May 2014 Minutes.

Mr. Eng made a Motion to accept the Minutes of May 13, 2014; seconded by Mr. Mikami.

**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 8:41 p.m.

Respectfully Submitted by,

Elizabeth Schaffer