



Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner
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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
July 10, 2012 – Public Hearing @ 7:30 PM
Town Hall

APPROVED

Present:

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

Christine Stickney, Director
Melissa Santucci Rozzi, Principal Planner

New Business/Old Business

Zoning Board of Appeals Petitions for July:

70 & 62 Robbie Road (ZBA File #12-31 & #12-32)

The Chair accepted presentation by the applicants of #62 Robbie Road along with Kevin Wiles the petitioner of 70 Robbie Road. Mr. Wiles explained they are companion applications since it involved movement of a mutual lot line. Mr. Kevin Wiles explained how he came to be the owner of the property and how he found out that his property was non-conforming in regards to lot width. In an effort to correct this issue he submitted an Approval Not Required (ANR) Plan previously before the Planning Board to move the lot line but now he and his neighbor are before the Zoning Board of Appeals to address the non-conforming lot width. Jim Eng commented that the lot line not being where it should be - he could understand they are doing the right thing and Mr. Reynolds expressed agreement with Mr. Eng. Mr. Eng MOTION for a favorable recommendation on both petitions to the Zoning Board of Appeals, seconded by Mr. Reynolds – unanimously voted.

157 Middle Street – Flemmi (ZBA File #12-27)

Mr. & Mrs. Flemmi were present and explained their petition to members of the Planning Board.

Mr. Reynolds MOTION for a favorable recommendation to the Zoning Board of Appeals seconded by Mrs. McDonald – unanimously voted.

136 Pleasantview Ave – Vail (ZBA File #12-26) Mr. & Mrs. Vail were present to explain their petition. Mr. Vail explained the issue with the back door and deck. Mr. Eng questioned if the back door could be located at the deck facing the rear of the property to open. Mr. Vail explained why this would not work that he has tried to keep it as small as possible. Mr. Eng MOTION for a favorable recommendation to the Zoning Board of Appeals, seconded by Mr. Reynolds – unanimously voted.

639 Granite Street – Elena’s Cafe (ZBA File #12-29) Ms. Lamani the owner of “Elena’s Café” a tenant at the office building would like a favorable recommendation to install a sign (6’ x 8’) that would allow her to inform the public of her café in the lower floor of the office building. Mrs. McDonald asked about the primary purpose of the sign to attract the public to the café that might not otherwise be in the building? Ms. Lamani that a prior café had been located there but closed for 3 years and she needs more customers. Mr. Mikami asked if Ms. Lamani was aware that originally the café was permissible because of an accessory use to the primary use the office building. To now seek outside advertising would make the café a primary use – is a restaurant which requires a special permit in a Highway Business zone. Mr. Harnais further explained Mr. Mikami’s comment and the willingness of staff to assist in a special permit application. Mr. Eng asked Ms. Lamani would she consider applying for the special permit and the Planning Board would hold off on their recommendation based on the outcome of the special permit? Ms. Lamani did not acknowledge definitely if she would or would not file for a special permit. Mr. Eng MOTION to recommend to the Zoning Board of Appeals that at this time not to support the petitioner’s request for a sign relief, seconded by Mr. Reynolds – unanimously voted.

300 Grossman Drive – Unit #2 - Sports Authority (ZBA File 12-28) The petitioners, Sport Authority were represented by Heather Dudko of Hazel Wood Hopkins Sign Permit Company. Ms. Dudko explained the proposal with the existing sign size (392 SF) and the proposed sign size 309 SF with an overall height of 10’ and will be internally illuminated. Ms. Dudko explained it is a hardship to the tenant given the lack of visibility and topography being setback from route 3. Ms. McDonald asked if approved there would be a 25% smaller sign than exists there today but still needs relief? Mr. Mikami asked if all Sports Authorities’ are being updated. Mr. Eng asked if all Sports Authorities’ had the same overall height and square footage. Ms. Dudko commented it depended on the size of their space and local bylaws. Mr. Reynolds noted that although it violates the required zoning it has existed as non-conforming and a majority of the other tenants have been non-conforming he sees no problem. Mr. Reynolds MOTION for a favorable recommendation to the Zoning Board of Appeals, seconded by Mr. Eng – unanimously voted.

7 School Street West – William Brophy –contractor (ZBA File 12-30)

Mr. Brophy explained his customer Ms. Livelo would like to put an addition on the existing home that violates numerous setback requirements. Mr. Eng asked Mr. Brophy and the homeowner present if they would consider razing the entire house and possibly try to meet some setbacks to make it more

conforming. Ms. Livelo said she could not afford to demolish the house the addition is very expensive. Mr. Reynolds MOTION for a favorable recommendation to the Zoning Board of Appeals, seconded by Mr. Mikami – unanimously voted.

255 Grossman Drive – Unit #4 /Guitar Store (ZBA File #12-33) David Brink of Harmon signs and Jonathan Parker, District Sales Manager of Guitar store were present to address their request. Mr. Brink explained that the need for relief was an issue of visibility as to the way the store sat in the retail area. Guitar store would like a sign on the front and the westerly wall facing Route 3. Mr. Parker explained Guitar Store's operation and that in addition to sales they provided studios for lessons. Ms. McDonald asked about where the Studio sign would be located in relation to the Guitar Store sign – using information provided this was shown. Mr. Mikami questioned if the studio sign was really needed if part of the services offered by the Guitar store? Mr. Brink explained the business operation and that this a standard branding sign for the guitar store/studio. Mr. Eng asked if the Guitar Store was leasing the entire building – Mr. Parker responded no only 80% of the store now and in the future there could be a potential sublease. Mr. Eng questioned further about future signage for others. Mr. Eng noted for the record that any sub leasee signage would need to return to seek a variance as well. Mr. Reynolds MOTION for a favorable recommendation to the Zoning Board of Appeals, seconded by Mr. Eng – unanimously voted.



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2-10 Commercial Street – S & H Realty Trust [#12-02] **BWLD Special Permit/Administrative Site Plan review**

Chairman Harnais opened the continued public hearing. Present on behalf of the application was Brian Donohue of Donahue Associates and Harry Sarras, of S & H Realty Trust. Mr. Donohue acknowledged that he had just received staff's report tonight at the meeting and that he felt everything had been submitted as ask of the applicant. He was concerned with the comment of staff as to the plan submitted and was not in agreement – he felt everything had been provided. Mr. Mikami commented that this a very important project for the landing and sensitive due to the fact the building was over a culvert – it is important that plans are submitted in a timely manner for staff review and that submission three days prior to the meeting was unsatisfactory. Mr. Donohue disagreed noting staff had directed to him to get the plan even in by Monday. Mr. Mikami asked about take out and how will that be handled. Mr. Sarras responded that there will be no take out – they would wrap dinners customers had not finished. Mr. Mikami asked again about take out since that presently exists with Ultimate Pizza and Mr. Sarras noted it will be an attractive sit down style restaurant. Mr. Donohue added that there have been no complaints' from the condos behind the property as to illegal parking there is a sign within our businesses now and there is no illegal parking. Mr. Mikami further asked about the anticipated schedule – Mr. Donohue responded 6-8 months with both demolition and construction. Mr. Donohue noted it is imperative they begin as soon as possible because of the Conservation Commission requirements of no work during the fish spawning season. Mr. Mikami asked if Mr. Donohue was confident on what they would find with the culvert and asked what "compressible material" was as referred to with the foundation. Mr. Donohue explained what the compressible material is. Mr. Eng asked if there was any concern with the opening above the culvert and if the applicant's had a contingency plan should anything go wrong? Mr. Donohue noted that the grate north of the area of the culvert beneath his

client's building will be closed, Conservation has required the placement of hay bales and work on the culvert will be the first phase and that he has provided both civil and structural engineer plans.

Mr. Reynolds asked about the special permit request for parking. Mr. Donahue explained that four (4) cars can be accommodated on site, two (2) can be accommodated off-site and a letter of agreement from the owner was provided and that Mr. Sarras has agreed to subsidize employees who use public transportation. Mr. Donahue expressed his request that approval be given tonight. Chairman Harnais noted that it is normal for the Board to give approval once draft conditions have been prepared and all have reviewed including the applicant. Mr. Donahue asked why those conditions couldn't be stated tonight. Ms. Stickney explained that the conditions involved boilerplates and specialized conditions to each site and that it would be in the applicant's best interest to review since they are recorded against the title – therefore an additional meeting is needed. Mr. Donahue noted that he was led to believe from the last meeting that approval would be forthcoming tonight. Ms. Stickney commented had the plans been provided in a timely manner then perhaps conditions could have been drafted but the late submission did not provide time for staff. Mr. Donahue expressed his frustration with the process and was reluctant to continue the public hearing. After some reconsideration with Mr. Sarras he agreed to continue – a Mutual Consent form was signed by the applicant and the Planning Board to continue the matter to August 21, 2012 at 7:30 PM. Ms. Stickney asked for clarification from the Board that she should have draft conditions prepared for 8/21/12 and members agreed.



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Braintree Planning Board
July 10, 2012 – Public Hearing @ 8:00 PM
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Present:

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Mr. Darryl Mikami, Member
Ms. Melissa McDonald, Member

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385 Quincy Avenue – CITGO [#12-03] **Special Permit (Floodplain) and Site Plan Review**

Present on behalf of the application were Mr. Allen J. Morris, terminal manager and Mr. Russell Titmuss, PE of Bourne Consulting. Mr. Titmuss provided a presentation on the proposed improvements to the existing pier at the site which included upgrading one of the three docking cells that had deteriorated.

Ms. Stickney asked about the construction occurring at night? She noted that the Mayor's office will need to approve if it is to be considered and that the East Braintree neighborhood should also be informed. Mr. Titmuss, said at this time they have not proposed nor ruled out some night work to facilitate the activities given that the MA Department of Fisheries has given them a window of no work during the fish spawning season that begins in March. Also Mr. Titmuss explained that the dock has to remain operational and that each time a tanker arrives to be unloaded then work must stop for safety and resumes when the tanker leaves so there it is expected there will be constant interruption. Ms. Stickney also asked about construction personnel as to the fact the site has limited accessibility – what will be the work hours, how many construction workers are anticipated and where will they park? Is there a staging areas designated for materials and a construction trailer – if so where. It was at this point that several members questioned if they had a copy of the plan and Ms. Stickney noted they should have received the application – she noted if not in their materials it would be mailed to them tomorrow and apologized.

Mr. Morris address the proposed staging area agreed upon with Conservation and then until such time a contract is awarded the other questions cannot be answered but acknowledge they would be agreeable to any conditions the Town desired. Ms. Stickney noted that only one letter of concern/opposition had been received from Mr. Lang with regards to the size of the tankers and his opinion that they were upgrading the dock to accommodate larger ships and that this was tied into the Weymouth Fore River bridge project. Mr. Morris stated he had not seen Mr. Lang's letter – the chair provided his copy for Mr. Allen to review. While he was reading it, Mr. Morris noted the upgrade makes no expansion it merely repairs a cell that has deteriorated and provides for a lift for the gangplank. He also added that some of the existing piping will be moved but to a higher elevation and will have the framing below repaired since that was deteriorating as well.

Ms. Stickney also asked about a second project on site with a new tank and if that would be taking place at the same time as this project. Mr. Morris noted that there is a tank proposed in the northwest corner behind the terminal and that he was unsure of timing. Christine noted that at a minimum that project will also require a site plan review due to the size of the tank. Mr. Eng questioned if the tank would increase the storage capacity of the site and subsequently the amount of ships coming and trucks leaving the site? Mr. Morris noted that the quantity of fuel permissible to be stored on site would not increase – it is merely a change in the product to biodiesel fuel. Mr. Eng expressed his concern for any development on the site that would add additional truck traffic to the community.

Mr. Eng MOTION to continue the public hearing until August 21, 2012 at 8PM with staff preparing draft conditions for consideration, seconded by Mr. Reynolds – unanimously voted.



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Planning Board Minutes
July 10, 2012

APPROVED

Approval Not Required Plan/68 & 69 Thayer Road (D. Cohen)

Present at the meeting was Attorney Craig Guggar, representing the applicant and the neighbor involved in the lot line movement. He provided a brief explanation of the request and showed the members the change that would occur with movement of the lot line. Mr. Mikami MOTION to recommend endorsement of the ANR plan, seconded by Mr. Reynolds – unanimously voted.

Release of Surety /Elmlawn Road Ext. Definitive Subdivision [#10-03]

Present at the meeting was Mr. Endrinuas, applicant for the release of surety on behalf of Elmlawn, LLC.

Prior to any discussion Mr. Eng addressed the Planning Board and noted for the record he would recuse himself from participation and/or any voted relative to a potential conflict that he become aware of, since the last meeting, that involved his son's supervisor who is an aggrieved abutter with this project.

Mr. Endrinuas addressed the Planning Board that he has completed everything in his opinion relative to the surety being held for the subdivision. Mr. Harnais noted that this has been a very contentious subdivision with regards to the abutters but since the surety is for work completed and not the As-Built approval the Board is required to release it – he noted the staff recommendation from Ms. Santucci-Rozzi as to the release of \$40,000 and suggested that \$9,000 could be released as well but that the As-Built plan approval still needs to be addressed. Mr. Reynolds MOTION to approve release of \$44,500 of the \$49,000 surety being held by the Town conditional on \$4,500.00 is retained to assure the As-Built plan is completed and approved, seconded by Mr. Mikami – voted 4:0:0 (Mr. Eng did not participate)

Motion by Mr. Reynolds, second by Mr. Eng to adjourn at 9:50 PM.
Vote: 5/0

Respectfully submitted


Christine Stickney