



# Department of Planning and Community Development

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Joseph C. Sullivan  
Mayor

## PLANNING BOARD

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

# APPROVED

Braintree Planning Board  
July 12, 2011  
Town Hall

### Present:

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

Christine Stickney, Director  
Melissa Santucci, Principal Planner

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

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

Zoning Board of Appeals – July  
Request for Relief from Bylaw Requirements under Chapter 135, Section 135-403, 407,  
Article 7, Section 701  
#11-33

*Note: Mr. Eng excused himself from the room at 7:05 P.M.*

Brian Eng of 55 Lake Street, Braintree MA, 02184, was present and addressed the Planning Board.

Mr. Harnais stated that the Planning Board's responsibility was to make a recommendation only and that the Zoning Board has the final decision.

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Ms. Lauria had no questions at this time.

Mr. Mikami had no questions at this time.

*Note: Mr. Reynolds now present.*

Mr. Reynolds had no questions at this time.

Ms. Santucci stated that the Planning Staff is suggesting that Mr. Eng have a surveyor calculate the correct lot coverage percentages for the property.

Motion by Mr. Mikami, second by Ms. Lauria to move for a positive action based on the ledge issue on the property.

Vote: 4/0

Request for Relief from Bylaw Requirements under Chapter 135, Section 135-403, 407, 701, 1601  
#11-34

*Note: Mr. Eng again present.*

Michael Davis, Attorney for the applicant, New Cingular Wireless, PCS, LLC d/b/a AT&T Mobility, 550 Cochituate Road, Framingham, MA 01707, was present and addressed the Planning Board.

Atty. Davis gave a brief history of Cingular Wireless' new network, Long Term Evolution (LTE) and its' various enhancements. As pertaining to the 10 Plain Street location, the applicant seeks to make use of an existing location and add additional antennas. Atty. Davis described the placement of these antennas. By utilizing the existing location, they will be able to avoid building an additional tower.

Ms. Lauria had no questions at this time.

Mr. Mikami wanted confirmation that the public will not be able to notice the new antennas. Atty. Davis stated that although the antennas will be longer the tops will not be higher than the existing antennas.

Mr. Eng questioned why they can't all be placed at the existing rooftop. Atty. Davis said that the engineers explained that the towers must be as near to the edge as possible due to obstruction of the signal. Atty. Davis also discussed the location of the antennas in

relation to the equipment shelter. Mr. Eng also wanted to know the percentage of dropped calls that would result if the proposal was not approved. Atty. Davis did not have the answer to that question. Mr. Eng stated that he would like to have that information provided.

Mr. Reynolds questioned the present coverage as well as the visual impacts. He wanted to know if anything had been explored beyond the current proposal. Atty. Davis said that could be discussed with the AT&T design team.

Mr. Reynolds said that the question is if it is being more detrimental. He believes that there is not much residential impact and he would not have an issue with the 'penthouse' being utilized.

Motion by Mr. Reynolds, second by Mr. Eng to approve based on the applicant providing additional information.

Vote: 5/0

Request for Relief from Bylaw Requirements under Chapter 135, Section 135-407,  
Section 135-905  
#11-36

Mr. Steve Pedro, of Ayoub Engineering Inc., 414 Benefit Street, Pawtucket, RI 02861 was present to represent J & N Associated, LC, 34 Hermaine Street, Dedham, MA 02026 and addressed the Planning Board.

Mr. Pedro explained the proposal to modify the free standing sign at the Shell Station located at 384 Washington Street. The proposal involves an LED price panel installation using red lights. The sign would have just one panel.

Ms. Lauria questioned if the color of the lights was to be red. Mr. Pedro replied that it was.

Mr. Mikami wanted to know if there was any reason that they could not conform to the rules and use white lights. Mr. Pedro was not sure if there was white LED. Mr. Mikami again questioned if there was a reason that white lights could not be used. Mr. Pedro was not sure if there would be a glare and he was also unsure of the intensity of white lights. Mr. Mikami asked for confirmation if white could be used. Mr. Pedro did not believe that white lights could be used.

Mr. Eng asked if red lights already existed at some Mobil Gas stations in town. Ms. Santucci replied that yes, permission for the use of red lights had been granted in the past.

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Mr. Eng then questioned if the Shell station was not willing to change their request. Mr. Pedro stated that he did not believe that they can.

Mr. Reynolds expressed that he can see the advantage to the use of the red lights, and while he does not want to set a precedent for the town he can not foresee negative feed back and based on that he would approve.

Mr. Harnais pointed out that it is Shell Gas that dictates the use of the red lighting.

Motion by Mr. Eng, second by Mr. Reynolds to vote for a favorable recommendation.  
Vote: 5/0

Request for Relief from Bylaw Requirements under Chapter 135, Section 135-407,  
Section 135-904.2 (5a)(5b)(5f)(5g).  
#11-35

Mr. Richard Pretorius, of Pretorius Electric & Sign Co., LLC, 267A South Main Street, West Bridgewater, MA 02379 and Paul J. Wolenski, Jared Development Manager, of Sterling Jewelers, Inc., 375 Ghent Road, Akron, OH 44333 were present to represent the applicant Sterling Jewelers, Inc. AKA Jared the Galleria of Jewelry, and addressed the Planning Board.

The proposal regarding the signage at the new Jared the Galleria of Jewelry, located at 20 Forbes Road, formerly 37 Forbes Road, Braintree, MA 02184, was explained. Mr. Wolenski described the requested increase in sign height in order to facilitate 2 lines of text. There is also a request for 6 signs on 3 facades of the building. There is concern the sign over the main door does not face the main road and therefore hinders visibility to customers. He discussed the need for visibility to the traffic and for customers coming to the store.

Ms. Lauria wanted to know if there was a diamond on the sign. Mr. Wolenski replied that there was. Ms. Lauria expressed her concerns over the signs sticking up and the square footage of the signs. She wanted to know if they were requesting 6 signs. Mr. Wolenski clarified that it was actually 3 signs with 2 lines of text and then the 3 diamonds. Ms. Lauria pointed out that the Town Bylaws state only 1 sign.

Mr. Mikami asked if there were different types of signs for different Jared stores. Mr. Wolenski said that there is a typical sign that they would prefer to use. Mr. Mikami asked that although there is a typical sign they do have the flexibility to use different signs to meet the requirements of different bylaws. Mr. Wolenski stated that this was not correct that they only have 1 type of sign.

Mr. Mikami stated that he feels the number of signs being requested is excessive. He suggested trying one sign and then coming back for the variance if more were needed.

Mr. Wolenski again stated that it was not actually 6 signs that they were requesting and that are not any stores that only have 1 sign. He cited the stores in Burlington MA and Plymouth MA each of which has 4 signs. Mr. Mikami continued wanting to know if there was a possibility of making the signs smaller so that they might conform. Mr. Wolenski stated that this had been considered but based on the distance from the road due to visibility this is the minimum. Mr. Mikami asked for clarification that there was no flexibility on their part. Mr. Wolenski said that they had looked in to other options and perhaps they could look again.

Mr. Eng wanted to know if they would consider making the diamond a back drop. Mr. Wolenski replied that the diamond was a very important part of the storefront. Mr. Eng continued by asking if they would then consider dropping the diamond down behind the letters? Mr. Wolenski said no. The diamond is 3 dimensional and that would not be possible.

Mr. Reynolds stated that he does feel that the signage laws do need to be revisited, but the town has continued to be sensitive to the residents, balancing the needs of the residents with those of businesses. Mr. Reynolds wanted a summary of item 4b. Mr. Wolenski discussed the congestion of the commercial area and the safety of the motorists that are trying to find Jared's location.

Mr. Reynolds then brought up item 4c regarding the signage at other locations. He wanted to know what consideration had been given to the residential neighbors. He questioned the height of the signs and what discussion there had been with the developers. Mr. Wolenski stated that discussion about the signs had been part of the lease. Mr. Reynolds asked if there had been any discussion about signage out front. Mr. Wolenski stated that there was not a possibility of a free standing ground sign due to the developers. Mr. Reynolds felt that the possibility may be there. He went on to say that he understands the issue of visibility, but he is not sure he is in favor of the amount of square footage of the proposed signage. While he wants to see both Jareds and the site succeed there must be a balance between the site and the neighborhood.

Mr. Harnais stated that he understands what they are trying to do and the town may have to look again at the sign ordinance. He again mentioned that the Planning Board is not the final authority and the final decision would be up to the Zoning Board.

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Mr. Reynolds pointed out that whether the Planning Board recommends approval, denial or no action, they are not in a position to negotiate with Jared. Mr. Reynolds said that while he feels there should be some relief from the bylaw he was having trouble making a favorable motion. He is in favor based on a down size in the amount of signs.

Motion by Mr. Reynolds, second by Mr. Eng to vote unfavorably on the 3 signs, with the suggestion that the signs on the East and North facing facades are acceptable.

Vote: 5/0

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Section 135-403, 407, Article 7, Section 701  
#11-28

Kathleen O'Connell, of 118 Park Street, Braintree, MA 02184 was present and addressed the Planning Board.

Ms. O'Connell explained the proposed project to construct a two story addition that will extend 7.3 ft. off the side and 3.5 ft. off the rear of the existing dwelling's footprint.

Ms. Lauria had no questions at this time.

Mr. Mikami had no questions at this time.

Mr. Eng inquired if the footprint would be the same. Ms. O'Connell said no it would be a little larger. Mr. Eng then asked what the rear set back would be. Ms. O'Connell replied that the rear set back would be 21.5 ft.

Mr. Reynolds stated that the Planning Staff's analysis sums up the proposed project and that he agreed with the favorable opinion of the Staff.

Mr. Harnais expressed that he had no issues with this proposal.

Motion by Mr. Eng, second by Ms. Lauria to make a favorable recommendation.

Vote: 5/0

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Request for Relief from Bylaw Requirements under Chapter 135, Section 135-403, 407,  
Chapter 135, Section 135-701  
#11-37

Mr. Matthew J. Donovan, of 5 Peach Street, Braintree, MA 02184 was present and addressed the Planning Board.

Mr. Donovan explained the proposed project to construct an 'L' shaped deck measuring 4 ft. x 11 ft. on the side of the dwelling and 12 ft. x 21 ft. in the rear

Ms. Lauria had no questions at this time.

Mr. Mikami questioned the existence of hardship and that the proposal would make the encroachment to the property line worse.

Mr. Harnais asked for clarification that the deck would be going out both to the side and the back. Mr. Donovan replied yes.

Mr. Eng asked if Mr. Donovan would consider pulling the 21 ft. back to 17 ft. so they would not get into the setback. Mr. Donovan said that was something they could consider.

Mr. Harnais explained what is meant by hardship under the law as it regards to soil conditions, shape and topography.

There was discussion of keeping the existing setback of 7 ft.

Mr. Reynolds supported Mr. Eng's suggestion of maintaining the existing depth of the setback.

Motion by Mr. Eng, second by Mr. Reynolds for an unfavorable recommendation based on the plan as is.

Vote: 5/0

*Note: At this time the Approval Not Required Application for 268 Peach Street and 1275 Liberty Street was brought before the Planning Board.*

Application for Endorsement of an Approval Not Required Plan under the Subdivision Control Law and pursuant to MGL Chapter 41, Section 81-P

Mr. Brian McGourty, of McGourty Co., 2 Garden Park, Braintree, MA 02184 was present and addressed the Planning Board.

Mr. Harnais expressed his concern with the ANR, wanting to know how did these houses get built. He is also concerned about permits granted for a house that is too big for the lot. Mr. McGourty stated that he was told he could apply for an ANR. Mr. Harnais again wanted to know how did the house get built when setbacks were needed with the lot lines as they existed at the time. He stated that he wanted to get to the bottom of how the permits were issued.

Mr. Harnais again questioned the lots and the size of the house. He pointed out that the lot line that was approved previously was straight, and now, after the houses are built the lot line has to be changed. Mr. McGourty discussed how he owns both lots. Mr. Harnais said that he is not going to own them both forever. Mr. McGourty replied that he would not. Mr. Harnais said that he should have gone to the Building Department and that he was very suspect of the process.

Mr. Mikami addressed Mr. McGourty saying that this was not his first project in town and he should have had more respect for the process that should be followed.

Mr. Reynolds stated that he agrees with the Planning Board members comments.

Mr. McGourty stated that he had applied for Approval not Required and now questions what that actually means.

Mr. Harnais again mentioned his concerns with the process and the fact that the house built does not conform. This is not what was submitted and now Mr. McGourty is trying to rectify the issue. Mr. McGourty agreed.

Mr. Harnais said that was an issue and the process is very suspect.

Ms. Santucci pointed out to the Planning Board that the mylar had been revised.

Motion by Mr. Reynolds, second by Mr. Eng that the Planning Board would be best served if a favorable recommendation was granted.

Vote: 5/0

*Note: At this time the Zoning Board of Appeal Petitions for July were continued.*

Zoning Board of Appeals – July (cont.)

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

#11-31

Mr. Brian McGourty, of McGourty Co., 2 Garden Park, Braintree, MA 02184 was present and addressed the Planning Board.

Mr. McGourty explained the proposal to construct a 12 ft. x 16 ft. deck at the rear of the recently constructed dwelling located at 268 Peach Street.

Ms. Lauria wanted to know if the deck had already been built. Mr. McGourty replied that it had not. Ms. Lauria questioned the lot. The lot shown on this plan does not exist at this time, it is based on the relocated line.

Mr. Mikami had no questions at this time.

Mr. Eng asked for confirmation if this was a self created hardship. It was explained that Mr. McGourty had created these lots previously and was now seeking relief from the situation that he had created. Mr. Eng asked Mr. McGourty if he understood that this was a self inflicted hardship. Mr. McGourty replied that he did. Mr. Eng continued by stating that Mr. McGourty had created the line and now he wants a variance to fix it. Mr. McGourty stated that this will not affect the neighbors.

Mr. Reynolds stated that the Planning Board has tried to act in favor of the community, and based on the comments presented this evening he would find it difficult to grant a favorable recommendation.

Mr. Harnais made mention of a petition brought before the Planning Board at it's previous meeting and his concerns over the Building Department and the process followed.

Motion by Ms. Lauria, second by Mr. Eng for an unfavorable recommendation.  
Vote: 5/0

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Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Section 135-403, 407, Article 7, Section 701  
#11-32

Mr. Brian McGourty, of McGourty Co., 2 Garden Park, Braintree, MA 02184 was present and addressed the Planning Board.

*Note: Petition for property located at 1275 Liberty Street.*

Motion by Mr. Eng, second by Ms. Lauria for an unfavorable recommendation.  
Vote: 5/0

*Note: Mr. Harnais excused himself from the room at this time.*

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Section 135-403, 407, Article 7, Section 701  
#11-30

Mr. Michael E. and Mrs. Denise K. Calderara, of 11 Reservoir Avenue, Braintree, MA 02184 were present and addressed the Planning Board.

The applicants are looking for permission to legalize a pool cabana (8ft. x 20 ft.) which has already been constructed.

The Planning Staff explained that structure has already been built and that the property abuts land zoned Open Space Conservancy. The Applicant has scheduled a time to meet with the Planning Staff.

Mr. Calderara stated that they are looking to correct the situation.

Ms. Santucci stated that she would like to table the petition since it will require a Special Permit.

Mr. Reynolds stated that he would like more information.

Mr. Mikami said that he would like to hear more about why it was built and why it should stay.

Mr. Eng wanted to know if the pool was there when the house was purchased. Ms. Santucci informed him that it is shown that the pool was there in 1998 and there was additional work done on the property in 2002.

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Ms. Lauria inquired as to when the property was purchased. Ms. Calderara said the house was purchased in 1995.

Motion by Mr. Eng, second by Ms. Lauria to table the recommendation.  
Vote: 4/0

*Note: It was requested to have a brief recess. Mr. Harnais has returned to the room.*

Discussion: Letter of Support for Grant for Monatiquot River Walk

Motion by Mr. Reynolds, second by Mr. Eng to support the Grant for the Monatiquot River Walk.  
Vote: 5/0

Request for Minor Modification/250 Granite Street  
Dave & Buster's of MA, Inc. [#10-01]  
[The Petitioner Has Requested This Matter Be Withdrawn]

Motion by Mr. Eng, second by Mr. Reynolds to accept the withdrawal.  
Vote: 5/0

Request for Release of Public Improvement Surety/Jonathan's Landing  
Pulte Braintree, LLC [#04-09]

Motion by Mr. Reynolds, second by Mr. Mikami to release the Public Improvement Surety.  
Vote: 5/0

Status Update [Incomplete Public Improvements]/Priscilla Avenue Definitive  
Subdivision [#99-12]

Motion by Mr. Reynolds, second by Mr. Eng to extend the update on Priscilla Avenue [#99-12] until the Planning Board meeting of August 9, 2011.  
Vote: 5/0

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Extension of Time to Complete Definitive Subdivision Grove Heights Definitive Subdivision [#06-15]

Motion by Mr. Eng, second by Ms. Lauria to grant the extension of time.  
Vote: 5/0

Approval of Minutes for 6/13/2011

Motion by Mr. Reynolds, second by Mr. Eng to approve the Planning Board Minutes from the meeting dated Tuesday, June 13, 2011.  
Vote: 5/0

Motion by Mr. Reynolds, second by Mr. Eng to adjourn at 10:40 P.M.  
Vote: 5/0

Respectfully submitted,

Beth A. Herlihy



Joseph C. Sullivan  
Mayor

## Department of Planning and Community Development

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### PLANNING BOARD

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

**APPROVED**

Braintree Planning Board  
July 12, 2011 – Public Hearing @ 8:55 P.M.  
Town Hall

Present:

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

Ms. Christine Stickney, Director  
Ms. Melissa Santucci, Principal Planner

405 Franklin Street/TD Bank N.A.

Application: Special Permit and Site Plan Review

#11-04

Attorney Carl R. Johnson, III, 536 Granite Street, Braintree, MA 02184 was present to represent the Applicant TD Bank N.A., and addressed the Planning Board.

Atty. Johnson discussed the submission of the revised site plans that were based on the comments by the Town Engineer. He discussed the 6 points made by the Town Engineer (letter dated July 6, 2011) and the fact that they will be addressed.

Atty. Johnson discussed the history of the project. He also pointed out the service history of the bank. It's community support and charitable contributions. There was also mention of the hours of operation, the number of employees and the remote drive ups in their other locations such as Hingham, MA and RI.

Mr. Josh Swerling, of Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772 was also present and addressed the Planning Board.

Mr. Swerling gave a visual presentation of the site. He discussed the evolution of the plan which included the Franklin Street Driveway, the shift of the West Street Driveway, the

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curve cuts away from the 5 Corners intersection, the landscape buffers, the drive-thru lanes and the ATM.

The proposed landscape improvements are substantial including trees and shrubs. The discussion also included the fence bordering the property of Mr. Ronald F. and Mrs. Gail R. Gates of 377 Franklin Street, Braintree, MA 02184. This will now be a true privacy fence that you can not see through. There will be enhanced development of the landscape and lighting. The drainage improvements are also substantial and exceed what is required. The comments received from Bob Campbell the Town Engineer will be addressed. There was also description of the two entrances.

The traffic engineer, Mr. Kim Eric Hazarvartian, P.E. of TEPP, LLC, 93 Stiles Road, Suite 201, Salem NH, 03079 and 800 Turnpike Street, Suite 300, North Andover, MA 01845 was present and addressed the Planning Board.

Mr. Hazarvartian discussed the issue of the traffic study. He compared the trips of a 7,000 sq. ft. restaurant to that of a 3,000 sq. ft. bank stating that the increase in trips falls below the ITE standard for a major project. The driveways on both West Street and Franklin Street are as far from the 5 Corners intersection as possible. He explained that the purpose of the 3 drive thru lanes are to handle the surges in the bank traffic. There was discussion of the queues' vs. the delays and to not have long vehicle stacking. Pedestrian access was also brought up. There will be on site walkways and sidewalks to be sure that pedestrians are accommodated.

Matthew Hyatt, AIA, LEED AP, Senior Associate with Bergmeyer Associates, Inc. 52 Sleeper Street, 6<sup>th</sup> Floor, Boston, MA 02210-1208 was present and addressed the Planning Board.

Mr. Hyatt explained that the building is intended to be sympathetic to the residents. The footprint is designed to be compact in order to allow for more open space. Not only will the building be open and inviting but it will also be a “green” building and will utilize as much natural daylight as possible. It will have a design that is efficient for customers. Upon entering they will be able to see all the services that are offered. In addition, the mechanical systems will be fully screened. The design will include a 50% reduction in energy use and will include the use of solar panels and water reduction devices.

Mr. Harnais opened the floor to the public at 9:30.

Ms. Catherine M. Mosesso, of 99 Colby Road, Braintree, MA 02184 was present and addressed the Planning Board.

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Ms. Mosesso questioned the trees that are to be removed. She wanted to know what would be happening with the dead trees and if the trees that have been marked are the only ones to be removed. Mr. Swerling replied yes.

Ms. Mosesso also wanted to know if there would be a teller designated to each of the three drive-thru lanes. Mr. Swerling explained that during a normal day, one teller would service the drive-thru lanes. However, if it got busy there would be back up tellers available.

Ms. Mosesso asked about the cars coming from West Street and how they would get to the drive-thru lanes. Mr. Swerling explained the traffic flow. She also questioned the allocation of the parking spaces. There will be 12 on either side of the building.

Ms. Mosesso expressed concern over cars trying to take a left on to West Street. She stated that the traffic there is heavy and the length of the light is short, resulting in a back up of cars along West Street. Mr. Kim Eric Hazarvartian, of TEPP, LLC, responded to Ms. Mosesso, explaining that most of the traffic will exit by going right onto Franklin Street as this is an easier option.

Mr. Gates addressed the Planning Board and stated that as the direct abutter, his fears regarding the project had been addressed. He explained that he had concerns regarding the fence and lighting as well as motorcycles at the ATM. He stated that now both he and his wife are advocates of the bank coming in to the area.

Mr. Michael McGourty, of 1 Meghans Way, Braintree, MA 02184, was present and addressed the Planning Board. He stated that he was never in dispute of the bank and is looking forward to them coming in to this location. His concern is over the sidewalk and would like the Planning Board to send a message to the Mayor regarding curbing. Mr. McGourty said again that he does support the bank and would like the project to move forward.

Ms. Lauria had no questions at this time.

Mr. Mikami asked for a description of the traffic surges, wanting the specifics of days and times. Ms. Paula Manning, of TD Bank, Inc. explained that these surges can vary for each community. In general payroll days (Thursdays and Fridays) can be heavier with lunch (11:30 to 1:00) and after work being peak hours. She went on to say that since TD Bank is open 7 days the peak hours are more spread out. They have extended hours on Saturdays so they avoid the 11:30 rush just prior to when most banks close. On Sundays the bank does not open until 11:00. Mr. Mikami asked if the wait time could be as high as 10 minutes. Ms. Manning said that as the drive-thru transactions are limited to quick services the typical wait time is usually only 3 minutes.

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Mr. Mikami confirmed that if a queue develops are there visual prompts to the tellers. Ms. Manning stressed that they have methods in place to alleviate back ups. She noted that peak times during Holiday seasons can cause a rush. Mr. Mikami stated that while 3 drive-thru lanes are preferable 2 would be livable. Ms. Manning replied that 2 drive-thru lanes will not allow for the level of service that TD Bank wants to provide for its customers. Mr. Mikami then asked if there were ATMs in the building. Ms. Manning confirmed that there were internal ATMs provided.

Mr. Eng continued the questioning regarding the 3 drive-thru lanes wanting to know how many were at the Hingham, MA and Barrington, RI locations. Ms. Manning replied there were 3 at each. Mr. Eng asked if they operate successfully. Ms. Manning confirmed that they did.

Mr. Eng wanted to know if all corners were pedestrian accessible and would all walkers be handled safely. Mr. Hazarvartian confirmed this. Mr. Eng asked if the lights will be functioning for pedestrians. Mr. Hazarvartian stated that he had checked them himself.

Mr. Reynolds stated that he had concerns regarding the traffic in the area as well and wanted to know how long the observation time had been. Mr. Hazarvartian said it had been around an hour. Mr. Reynolds wanted to know how TD Bank would try to promote the traffic to exit on to Franklin Street (to take the right turn). Mr. Hazarvartian said that the traffic itself will determine that this is the best route.

Mr. Reynolds asked if Mr. Hazarvartian would agree that 5 Corners was not a typical intersection. Mr. Hazarvartian agreed as there were 5 legs entering the intersection. Mr. Reynolds stated that he was concerned over the traffic and the light length on West St.

Mr. Reynolds questioned the circulation with traffic leaving the drive-thru lanes to exit on to Franklin St. Mr. Hazarvartian again said that the customers will determine the best route. Mr. Reynolds raised a concern over the potential for cars leaving the drive-thru lanes to have an accident and wanted to know if TD Bank had made operational concessions or special treatment for this. Ms. Manning explained that the drive-thru tube dispensers are staggered and therefore the cars are not all aligned allowing for good visibility.

Mr. Reynolds asked about the curb cuts at the entrances as they relate to the Panera site vs. the TD Bank site. Mr. Hazarvartian stated that they do not conflict.

Mr. Reynolds asked for clarification of the flex operation of the drive-thru. Ms. Manning explained that all three lanes have tubes and one lane has a drive up ATM. Mr. Reynolds inquired if they were open on an as needed basis. Ms. Manning stated that they are both

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open, it is a matter of what service the customer needs. They can both be used simultaneously.

Mr. Harnais expressed concern over the possibility of traffic exiting to take a left on to West Street blocking the traffic going in the other direction. Could there possibly be a right turn only there? He is also concerned that the traffic numbers they have are while the bank is not yet open. Mr. & Mrs. Gates do not want additional traffic forced to exit on to Franklin Street.

Ms. Santucci wanted to know if there are open/close signs on the lanes of the drive-thrus. Ms. Manning said that there are red and green lights on each. Ms. Santucci also wanted to know what information was available regarding the condition of the sidewalks and pedestrian walkways. Mr. Hazarvartian stated that they exist but are worn out.

Ms. Mosesso asked what time are the traffic studies done. Mr. Hazarvartian stated they are done in the 4:00 to 5:00 P.M. time frame.

Ms. Mosesso again discussed the difficulty in taking a left on to West Street and how hard the intersection is to cross.

There was discussion regarding the provision for loading space and that this may be waived by the Planning Board if needed.

Motion by Mr. Mikami, second by Ms. Lauria to accept the correspondence list dated May 17, 2011 through July 12, 2011.

Vote: 5/0

Mr. Eng and Mr. Reynolds both stated again that they had concerns over the traffic.

Attorney Johnson stated that they had been at this for a long time and would like to get construction started. Mr. Mikami inquired if there was an aggressive construction schedule in place. Mr. Swerling replied that they would like to start as soon as possible. Mr. Mikami said he would like an actual schedule. Mr. Swerling informed him it would take about a month for the landlord to take the building down and the 4 to 6 months for construction. Attorney Johnson added that they hope to have the building weather tight by December.

Motion by Mr. Eng, second by Ms. Lauria to continue the Public Hearing until Tuesday, August 9, 2011, at 7:00 P.M.

Vote: 5/0

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Respectfully submitted,

Beth A. Herlihy