



Department of Planning and Community Development

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Joseph C. Sullivan
Mayor

PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
Linda Cusick Woodman, Clerk
James Eng, Member
Darryl Mikami, Member

APPROVED

Braintree Planning Board
November 17, 2009
Town Hall – Johnson Memorial Chambers

Present:

Robert Harnais, Chair [arrived at 7:05]
Joseph Reynolds, Vice Chair
James Eng
Darryl Mikami

Melissa Santucci, Principal Planner

The Vice Chair called the meeting to order at 7:00 P.M.
Roll Call: Mr. Eng, Mr. Mikami, Mr. Reynolds all present

New/Old Business

Zoning Board of Appeal Petitions - November

For details please see Ms. Santucci's staff report dated November 13, 2009.

54 Edgemont Road/Valquiرو Mendonca

Mr. Mendonca appeared before the Board to explain his request to legitimize construction of a shed and porch. This was his second appearance before the Board, as at his last appearance he was told he should seek additional relief [for the porch]. He withdrew his earlier application and has refiled. Mr. Mendonca informed the Board that Building Inspector McGourty had suggested in 2005 that he file for a variance for the shed's location. He acknowledged that he had procrastinated and now was attempting to correct the problem. He especially wishes approval to leave the shed where it is as he had it set on 4' footings.

There was no one from the audience wishing to comment.

There was considerable discussion among members of the Board who all seemed to feel that Mr. Mendonca's delay in following through on the Building Inspector's recommendation [to apply to the ZBA for relief back in 2005] was not in his favor at this time.

In response to Mr. Eng's questions, Mr. Mendonca stated he was unaware of the setback necessary to install the shed and had he known would have proceeded differently [different location, different orientation, different size shed]. If he is not granted relief, he will have to construct a new foundation and purchase a new shed. Mr. Eng indicated he was not concerned with the porch.

Mr. Harnais mentioned the statute of limitation for enforcement [6 years with a building permit and 10 years without a permit] and asked when the clock started ticking in this case [1998/99]. However and as Ms. Santucci mentioned, Mr. Mendonca was advised to file four years ago.

Mr. Mikami added that he feels the applicant has had many opportunities to fix the shed problem.

Mr. Reynolds asked Mr. Mendonca if he was aware of the sections of the Bylaw which were violated [no] and if the Building or Planning offices had asked him if he was familiar with the Bylaws [no]. He informed Mr. Mendonca that the role of the Planning Board is advisory only. The jurisdiction here is with the ZBA.

Mr. Harnais stated he feels the applicant made an honest mistake, but he should have applied to the ZBA back in 2005.

Motion by Mr. Eng, second by Mr. Mikami to make no recommendation to the ZBA
Vote: 4/0

107 Arbutus Avenue/Ralph Buckman

Mr. Buckman appeared before the Board regarding his application for a variance to construct a front porch which would encroach into the sideyard setback. He informed the Board that his house is 7.5' from the property line and provided information about past work that had been done on the house.

There was no one from the audience wishing to comment.

Ms. Santucci requested clarification on the details of the plan which accompanied the application. She informed Mr. Buckman that he should ascertain the amount of lot coverage before he appears before the ZBA, as his property is in the Watershed Protection District and coverage cannot exceed 50%. If it does, he should request an additional variance.

Mr. Eng confirmed with Mr. Buckman that the plan was not drafted for the current application, as it includes proposed construction [subject of earlier applications for variances] which was never undertaken. The plan is "sketchy" and should be redone to ensure accuracy. He wished also to make sure that the porch would not go beyond the edge of the house as it exists today. [Mr. Buckman stated that the porch would line up with the side of the house.]

Motion by Mr. Eng, second by Mr. Mikami to recommend favorable action to the ZBA.

Mr. Reynolds recommended that the applicant should update his plan and calculate lot coverage before appearing before the ZBA.

Vote: 4/0

50 Stonecrest Drive/Minh Van

Mr. Van and his engineer, James Redman, were present to explain the request for a variance to construct a dwelling within a portion of the lot which is less than 100' wide. Mr. Redman informed the Board that the applicant wished to move the house forward to gain space for a larger backyard.

There was no one from the audience wishing to comment.

Ms. Santucci noted that this lot is 5,000 SF over the lot size requirement and meets all zoning criteria. Additionally, there is no hardship. [Mr. Redman mentioned the fact that the neighbor's drainage is on the lot line and impacts to some degree the applicant's front entrance.]

Mr. Eng asked about the slope of the property and if the house could be moved "forward." Mr. Redman stated that the slope goes from 18' to 13' and that the house footprint could be located where the lot width is 95' [as opposed to 86.5'].

Mr. Mikami asked if moving the proposed house location would affect the size of the house [no].

Motion by Mr. Harnais, second by Mr. Eng to forward a favorable recommendation to the ZBA predicated on the applicant moving the proposed footprint to a spot where the lot width is between 94' and 96.' The applicant shall provide the figure to staff the following day.

Vote: 4/0

Discussion on Holiday Traffic Plans

The Marketplace at Braintree: Kelly Marino, Property Manager, was present to respond to any questions the Board might have. She indicated that the police detail has been approved by the Braintree Police Department and remains the same as the last three years. The barriers at the entrance to The Marketplace [forcing traffic around the perimeter] are now permanent and there will be only one police officer to direct traffic at the intersection of Grossman Drive and Union Street from November 27th to January 1st.

South Shore Plaza: Attorney Carl Johnson, Judy Tullius and Jack McCune were present to address the Board. Attorney Johnson reminded the Board that construction activities are ongoing at the Plaza. Although this will impact the number of available parking spaces, the Plaza will still have more spaces available [6,685] than required. Ms. Tullius informed the Board that the Employee Parking Plan is the same as last year's. There will be a shuttle service for employees and shoppers from some "back lots" which will drop riders off at three mall locations [Legal Seafoods, Filene's Basement and American Express]. She added that some employees are provided permits to park in front if they provide a note through their employers. The police details remain identical to those in 2008.

Mr. Mikami asked if the new parking area would be open [not now] and if the mall was open the same hours as last year. [No, the mall is cutting back on hours of operation this season.]

Mr. Reynolds asked about the gate to Lakeside Drive, which he noted had been open recently. Attorney Johnson responded that someone had cut the lock and it would be repaired.

Ms. Tullius asked if it would be necessary for her to return each year to present the Holiday Traffic Plan. Attorney Johnson suggested that they could forward their Plan earlier next year and come before the Board if there were any questions.

The Chair responded that he felt it is best for the Board have mall representatives come to discuss during a meeting in order to give the public an opportunity to comment.

There ensued discussion about the ongoing construction activities at the mall

Request for Extension of Time to Begin Authorized Activities

150 Potter Drive/Braintree Electric Light Department

For details please see Ms. Santucci's staff report dated 11/16/09.

Ms. Santucci briefed the Board on this request.

Motion by Mr. Eng, second by Mr. Mikami to grant the requested extension of time to begin authorized activities.

Vote: 4/0

Planning Board 2010 Meeting Schedule

There was a short discussion about the best nights to schedule Planning Board meetings. The Chair reminded the members that the Mayor is most interested in having the meetings carried by BCAM. He also expressed his feeling that having controversial meetings viewed by the general public can help the Board and the Mayor. Televising hearings provides an opportunity for interested residents to observe the Board's proceedings. It was the consensus of the Board to schedule meetings only once a month on Mondays. Ms. Santucci will propose a schedule for the next meeting.

Other

Ms. Santucci confirmed with the Board that their vote on November 2, 2009 to approve the application for Town Fair Tire included a vote to approve a new special permit for automotive repair service.

Motion by Mr. Reynolds, second by Mr. Eng to adjourn at 8:40 P.M.

Vote: 4/0

Respectfully submitted,

Linda Raiss