

Department of Planning and Community Development

Melissa M. Santucci, Principal Planner
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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 2, 2009
Town Hall – Johnson Memorial Chambers

Present:

Robert Harnais, Chair
Joseph Reynolds, Vice Chair [arrived late]
Linda Cusick Woodman, Clerk
James Eng
Darryl Mikami
Christine Stickney, Director

The Chair called the meeting to order at 7:00 P.M.

Roll Call: Mr. Reynolds [not present at roll call, present for public hearing and last new business item]
Ms. Cusick Woodman, Mr. Eng, Mr. Mikami, Mr. Harnais all present

New/Old Business

Request for As-Built Approval – 39 Adams Street/B. Williams

For details please see Ms. Santucci's staff report dated 10/2/09 and letter to Mr. Williams dated 10/8/09.

Ms. Stickney summarized Ms. Santucci's staff report. Mr. Williams was present and addressed the concerns raised at the last Planning Board meeting. He brought with him photos of the onsite parking for employees and customers and a "flood plan of his property." He pointed out several drainage structures on the plans.

Mr. Eng asked Mr. Williams where drains "drained" and where surface runoff goes. Mr. Williams responded that the water drains to the grassy area. He added that his property used to get lots of water from Arnold, Middle, and Lemoyne Streets because all storm drains drained to his property, but since the MBTA fixed storm drains in the area, drainage is 1000 % better. Mr. Eng followed up by asking if the drains go to river [yes] and if there is anything to catch grease or debris before it reaches the river? Mr. Williams responded that there is no grease on the property. A "21E assessment" resulted in a determination that all the property is clean. As for surface runoff, he has never had an issue with busses, as they are in excellent condition and there have been no issues with

his own trucks. He complies with the EPA guidelines for spill containment with pads readily available in the event of a spill.

Motion by Mr. Eng, second by Ms. Cusick Woodman to release the surety and grant As-Built Approval with surviving conditions as listed in the staff report dated 10/2/09.

Vote: 4/0

Request for Release of Surety – 250 Granite Street/Braintree Property Associates [08-3]
For details please see Ms. Santucci's staff report dated 10/29/09.

Attorney Carl Johnson was present to represent Braintree Property Associates [Simon Property Group] and provided background on the request for release of surety [also summarized in the staff report noted above]. He also spoke on Condition 94 of the Conditions of Approval for the South Shore Plaza expansion for Nordstrom [\$50,000 of roadway improvement for Common Street west of the Plaza's rear site drive]. The applicant proposes to increase the amount to \$95,000 [of which \$20,000 is soft costs for engineering]. The applicant is requesting that Travelers Casualty and Surety Company of America Performance Bond No. 105110775 submitted in conjunction with the Conditions of Approval for The Cheesecake Factory be released and that Condition 94 of the Conditions of Approval for Planning Board Decision 08-3 be amended, increasing the mitigation value for Common Street from \$50,000 to \$95,000.

Ms. Cusick Woodman asked about the fact trees are obstructing the newly installed sign and Attorney Johnson responded that the Commonwealth will not allow removal of the trees.

Mr. Eng asked if the soft costs come to less than \$20,000, could the difference go to hard costs. Attorney Johnson responded at length, finally stating that the applicant will ensure expenditure of \$95,000 for Common Street mitigation. Mr. Eng later asked that the applicant consult with Town Engineer and Department staff if the entire \$95,000 were not spent on the proposed improvements.

Ms. Cusick Woodman asked who is responsible for the maintenance of the islands in Common Street as some look better than others. Attorney Johnson informed the Board that the islands are in the right-of-way and are the responsibility of the Town of Braintree, adding that it is unclear who has maintained the islands.

The Chair asked if Simon Properties could adopt the islands in question. [Ms. Stickney stated that the Highway Department is aware that maintenance is the Town's responsibility.]

Motion by Ms. Cusick Woodman, second by Mr. Mikami to release Travelers Casualty and Surety Company of America Performance Bond No. 105110775 and increase the value of the mitigation outlined in Condition 94 [Planning Board Decision 08-3] from \$50,000 to \$95,000.

Vote: 4/0/1 [Mr. Reynolds abstains.]

Ms. Cusick Woodman leaves the meeting before the following item is discussed.

Approval Not Required Plan

376 and 370 Franklin Street/Messina Residential Properties

For details please see Ms. Santucci's staff report dated 10/28/09.

Ms. Stickney stated that Ms. Santucci's recommendation was to endorse the ANR Plan.

Attorney Carl Johnson and Rob St. John were present on behalf of the applicant, Messina Residential Properties. The purpose of the application is to adjust the property lines at both 376 and 370 Franklin Street, adding frontage to 370 Franklin Street and portion of rear yard to 376 Franklin Street. It is the intention of the applicant to raze the building at 376 Franklin Street for redevelopment. An application has been filed to rezone the parcel from Residence B to General Business [See below.].

Motion by Mr. Reynolds, second by Mr. Eng to endorse the ANR Plan

Vote: 4/0

General Discussion on the Application to Rezone 376 Franklin Street

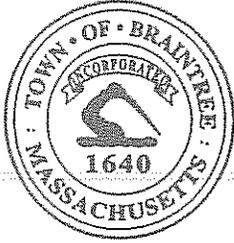
Both Attorney Johnson and Mr. St. John, Director of Planning at Messina Enterprises, addressed the Board. They explained to the Board that they are looking to rezone 376 Franklin Street in order to expand the existing parking to accommodate Panera. The intention is to redo the existing parking lot to make the spaces comply with zoning and to create 16 additional spaces. They feel the improved parking area will have a traffic calming effect, as currently there is much cut-through traffic. Green space will be created and fencing will be added to buffer abutting residences. In order to redo the parking area they will need to apply to the Board for a Grading Permit.

Mr. Harnais asked if there would be back entrances for stores. Mr. St. John responded that Panera will encourage parking in the rear and there will be an entrance from a common corridor.

Motion by Mr. Reynolds, second by Mr. Eng to adjourn.

Vote: 4/0

Respectfully submitted, Linda Raiss



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238-300 Grove Street/Town Fair Tire

Modification to Planning Board Decision 89-17 and New Use Special Permit

For details please see Ms. Santucci's staff report dated 10/15/09.

The Chair opened the continued public hearing and read the legal advertisement.

Motion by Ms. Cusick Woodman, second by Mr. Eng to table discussion.

Vote: 4/0

Later, with a full board, the hearing was resumed.

Joshua Bows from Merrill Associates was present to represent the applicant. He was accompanied by a representative of Town Fair Tire.

Mr. Bows provided background information to the Planning Board, noting the exact location of the proposed Town Fair Tire in the "Stop and Shop Plaza." In addition to the new use special permit application, the applicant is requesting that Conditions 42 and 51 of the Conditions of Approval [Planning Board Decision 89-17] be amended and has submitted a narrative outlining justification for approval. Mr. Bows informed the Board that Town Fair Tire is an automotive tire service business only with many stores throughout New England. [He described how the process works when a customer comes in.] Town Fair Tire is proposing to some changes to: update the building façade, add a dumpster and pad dedicated to Town Fair Tire, install a covered tire cage for used tires in the current "No Parking" area. In addition they propose changes to the back exterior wall [5 overhead service bay doors and a "man door" adjacent to the dumpster] and have added a number of items to the plan: a proposed granite curb island for traffic control directing vehicles to the current travel lane and a sign to read, "Vehicles Exiting" and shielded lighting.

The Chair asked for a motion to enter into record the summary of correspondence

Motion by Mr. Reynolds, second by Mr. Mikami to accept the summary of correspondence from 8/27/09 – 11/2/09.

Vote: 5/0

The Chair then asked if there were anyone in the audience who wished to speak in favor of the proposal [no], against the proposal [no] or had any questions.

John Cusack, Hickory Road resident, referred to the original approval for the plaza. He stated that the applicant was required to install a traffic island opposite Hemlock Street to coax traffic onto Grove Street in an attempt to keep it out of the residential neighborhood across the street. Over the course of time the condition of the island has deteriorated and he would like to see it reconstructed. He later asked if there were a fire wall between the proposed Town Fair Tire location and the adjacent CVS store. Mr. Bows responded that the Massachusetts state code required a “2-hour fire rated wall” and, of course, the applicant would comply. Mr. Cusack also noted that the location of the proposed tire cages might not be the best place. The trucks making deliveries to Stop and Shop are supposed to enter the plaza near the Dunkin’ Donuts shop and travel the perimeter to arrive at the Stop and Shop delivery area. An island at corner of the proposed Town Fair Tire location will create a “pinch point” between it and the proposed cage location. [Ms. Stickney stated that Ms. Santucci had visited the site to ascertain conditions and will be following progress on the site for any unforeseen problems.] Mr. Harnais asked if the applicant could move the cage to the rear. Mr. Bows responded that the cage is proposed in the current no parking area and shall not impact any current travel lanes. He is confident that there will be adequate access for tractor trailer trucks to pull in and out.

Mr. Eng asked if the applicant had seen the proposed conditions and if he had any problem with them [no problem].

Ms. Cusick Woodman asked if the applicant would go to the ZBA for the signs [All signs meet all requirements of the Zoning Bylaw and if the Building Inspector determines the applicant must go before the ZBA, he will.] and if the establishment will be open on Sundays [No, Monday/Thursday 8-7; Tuesday/Wednesday/Friday 8-6; Saturday 8-4]

There then ensued discussion about the accumulation of tires in the cage. The cage is emptied at least once a week. No tires are allowed to accumulate outside the cage.

Mr. Mikami asked several questions about customer access to the rear of the building, parking and whether or not there is a crosswalk between the Town Fair Tire location and the adjacent building.

Mr. Reynolds wished to ensure that there would be adequate parking in place given the addition of a dumpster and cage. He also asked about noise mitigation for neighbors to the rear. [The dumpsters will be picked up during business hours. The compressor is quiet. No work is done outside and when cars pull in to the building the doors are closed.]

Mr. Harnais asked about queues when customers are waiting for service. All cars wait out back.

Motion by Mr. Cusick Woodman, second by Mr. Reynolds to close the public hearing.
Vote: 5/0

Mr. Reynolds is interested in ascertaining whether or not the Tedeschi Group is amenable to responding to Mr. Cusack's comments. [Ms. Stickney responded that she is confident the issue can be addressed with them under the original Conditions of Approval.]

Motion by Mr. Eng, second by Mr. Reynolds to modify Conditions 42 and 51 of Planning Board Decision 89-17 [to allow for an exterior storage cage and the elimination of one parking space] and accept the conditions as modified.
Vote: 5/0

At the meeting of November 17, 2009 the Planning Board confirmed that the vote included the issuance of a new special permit for automotive repair service.

Respectfully submitted,

Linda Raiss