



Charles C. Kokoros  
Mayor

# Department of Planning and Community Development

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**APPROVED**

## PLANNING BOARD

Robert Harnais, Chair  
Erin V. Joyce, Vice Chair  
Darryl Mikami, Clerk  
James N. Downey, Member  
Phillip J. Baker, Member  
William J. Grove, Associate

### Braintree Planning Board – March 10, 2020 – Cahill Auditorium

Present:

Mr. Robert Harnais, Chair  
Ms. Erin Joyce, Vice Chair  
Mr. Darryl Mikami, Clerk  
Mr. James Downey  
Mr. William J. Grove, Associate Member

Christine Stickney, Director  
Melissa SantucciRozzi, Assistant Director

Chair Harnais calls roll at 7:02 PM. Four (4) members and one (1) associate member are in attendance. Member Baker is absent.

### NEW BUSINESS/OLD BUSINESS

#### Request for As-Built Approval

**28 Willard Street – File #18-17 – Special Permit and Site Plan Review / Requested by Michael Vickery  
7:03 PM – Four Planning Board Members and Associate Member William Grove are participating.**

Director Stickney explains that Connor Murphy provided a Staff Report, and he is recommending As-Built approval. There are some surviving conditions. There are no questions from Planning Board Members.

Member Joyce **MOTION** to grant As-Built Approval and release the As-Built Surety, with surviving conditions 1, 4, 12, 31, 32, and 34; seconded by Member Downey; voted 5:0:0.

### NEW BUSINESS/OLD BUSINESS

#### Request for As-Built Approval

**128 Stetson Street – File #18-08 – Grading Permit / Requested by Hardy Man Design Group  
7:04 PM – Four Planning Board Members and Associate Member William Grove are participating.**

Assistant Director SantucciRozzi asks that this matter be tabled until April, as she is working with the Applicant to make sure he finishes the landscaping.

Member Joyce **MOTION** to table this matter until the April Planning Board meeting; seconded by Member Downey; voted 5:0:0.

### NEW BUSINESS/OLD BUSINESS

**Request for Minor Modification - File #01-08 – 62 Johnson Lane / Special Permit/Site Plan Review  
Requested by: Messina Commercial Properties**

**7:04 PM – Four Planning Board Members and Associate Member William Grove are participating.**

#### **Appearing for the Applicant:**

**Dan Armstrong, Strong Civil Design**

Assistant Director SantucciRozzi explains she has prepared a Staff Report. She explains that the Board was involved in trying to work with Messina Corporation to get this site cleaned up. They did the Approval Not

Required in 2016, and now they have a plan that they will present this evening with how they are going to bring this into compliance, and the staff has done a review.

There are a few things that the Assistant Director is looking to add to the plan because, if the Board acts favorably, this will become the Record Plan, some of the As-Built utility information and some loading spaces. Staff is recommending favorable actions and recommends that we retain the surety until they do the work and it is approved by the Board. We will give the money back when we do the As-Built Approval.

Dan Armstrong, with Strong Civil Design representing Messina Enterprises, acknowledges this project has been around for a while. He was brought on recently to re-evaluate the site and try to bring it into compliance with what was approved. They have reworked some of the parking areas, improved circulation and reseeded plant areas. They read through staff comments and don't have any issues. They have only one question, which was why go from a flowering species to lawn. The intent was to reseed the disturbed areas with a wildflower mix and bring it back to a more native plant species. Staff is recommending lawn. Mr. Armstrong was curious on why the desire was to go from a flowering species to a lawn, which would require more maintenance. Assistant Director SantucciRozzi's recommendation was based on the site being a little bit more maintained. A flowering species would be supported on a slope, but the appearance of unmaintained flowering species can look overgrown. The original plan did call for loam and seed, and staff was going back to what was originally approved. There was a landscaping plan, and it didn't have any plantings on it. It did call for loam and seed. Assistant Director SantucciRozzi provides the landscaping plan for the Planning Board Members to review. Chair Harnais confirms that is the one issue. Mr. Armstrong states that is the one question and explains that he is a beekeeper that lives in Braintree, and he tries to get the pollinators back around and more flowering plantings and vegetation around. There are more benefits to a more native overgrown plant design.

There are no questions from Member Grove.

Member Mikami confirms with staff that we are all set on everything. Assistant Director SantucciRozzi mentions the Applicant has relocated the property boundary, they recorded the ANR, and she confirms that this is just a housekeeping exercise. She has gone through all conditions, and there is nothing that needs to be overly modified. She has asked the Applicant for an updated Operations and Stormwater Maintenance Plan because maintenance has changed a little bit. If the Planning Board moves forward, they are ready to do the work. We will get the As-Built Plan, and the outstanding open permit will be closed out.

There are no questions from Member Downey.

Member Joyce asks if this is all constructed. The top of the plan is constructed. Dan Armstrong states they have to remove some asphalt and fill in some gaps. There is a reduction in asphalt. Assistant Director SantucciRozzi states the site in its current state does not comply with their Open Space requirements. They have a variance to be at 69%; they are required to be at 60% maximum in Watershed Commercial. Member Joyce asks, when they remove asphalt, will it be restored to something pervious. Assistant Director SantucciRozzi states the parking is a much better layout/design. Member Joyce asks if the utilities are all installed. Assistant Director SantucciRozzi yes they are. They need to be added to the As-Built drawing, and this will be the record plan. The circulation is better. Member Joyce states it seems like there is not much grading work being done aside from the removal of pavement. Assistant Director SantucciRozzi states correct. Member Joyce asks about the old grading plan. Assistant Director SantucciRozzi has the As-Built Plan with the grading on it. The driveway has some pitch to it, but once you get around the building, it is better.

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Dan Armstrong states the topography shown now is the pre-existing conditions before the building was ever built. There has not been an updated grading survey of the site. Mr. Armstrong explains how it currently drains. There do not appear to be any issues with drainage patterns. Any minor issues will be cleared up when it is repaved.

Assistant Director SantucciRozzi states, as noted in the report, staff has been out there quite a few times, and she hasn't received any complaints about drainage. If there is any kind of significant deviations, that can be cleared up in the field. Mr. Armstrong states, once they put the curbing in, it will follow a nice draining pattern.

Member Joyce discusses loam and seed vs. wildflower mix. Member Joyce asks if the areas outside of the wildflower mix are grass. Mr. Armstrong explains that nothing is grass out there; it has been overgrown by native species that have come back over the years. Nothing has been really done to the area for landscape purposes. Member Joyce asks if Mr. Armstrong is anticipating that all the perimeter open space would be wildflower mix or just the areas with asphalt. Mr. Armstrong states the asphalt area will be loam and seeded. He wouldn't see the need to demolish what is there to put in wildflower mix. Member Joyce's only concern would be, if someone was maintaining the site and they didn't realize it was wildflower mix, someone might mow the wildflowers. However, either way is fine with her – she can see both sides. Chair Harnais states it is a maintenance issue. Mr. Armstrong states wildflowers will look weedy. Chair Harnais asks about the expense of wildflowers and suggests it be kept as grass.

Member Downey **MOTION** to approve the Minor Modification for PB File #01-08 – 62 Johnson Lane / Special Permit/Site Plan Review, with grass rather than wildflower; seconded by Member Joyce; 5:0:0.

**CONTINUED PUBLIC HEARING**

**35 Middle Street – File #19-17**

**Special Permit and Site Plan Review (Two Family Conversion)**

**Stephanie McMains, Applicant**

**7:21 PM – Four Planning Board Members and Associate Member William Grove are participating.**

Director Christine Stickney explains that the Planning Department has not yet received revised plans, and therefore, the matter is being continued to our next Planning Board Meeting on Tuesday, April 14, 2020. The Applicant has signed the Letter of Mutual Agreement (LOMA).

Member Downey **MOTION** to continue this hearing to the April 14, 2020 Planning Board meeting with no testimony; seconded by Member Mikami; voted 5:0:0.

For the record both Chair Harnais and Member Downey did complete the Mullin Form as they missed the February 11, 2020 Planning Board meeting.

**CONTINUED PUBLIC HEARING**

**11 Sherbrook Avenue – File #19-16**

**Special Permit and Site Plan Review (Two Family Conversion)**

**Feng Zhong, Applicant**

**7:21 PM – Four Planning Board Members and Associate Member William Grove are participating.**

**Appearing for the Applicant:**

**Feng Zhong, Applicant**

**Kai Yin Yip, Land Surveyor/Civil Engineer**

APPROVED

Director Stickney explains that, at the last meeting, there were some questions that came up and the applicant, Feng Zhong, has gone back and taken a look at the plans, with assistance from her engineer, Kai Yin Yip. In the materials tonight you will find some narrative, a letter of support and a map that shows the other multi-family units in the area. In addition to that, the plan has been updated and stamped by a professional land surveyor. They have cleared up some questions with the setbacks and shortened the landing and staircase so they meet the setback requirements. Director Stickney mentions there was a question from members about the parking and maneuverability, and she suggests the Applicant speak to that issue.

Kai Yin Yip, designer of the project, explains the parking, which is in the back of the building. There are five parking spaces. There are two units, and each will have two parking spaces. The parking space on the left is there for maneuvering. Mr. Yip reviews how each of the parking spaces will maneuver. Director Stickney explains basically they have added a space (5<sup>th</sup> spot) which allows the driver to maneuver so that they leave the site in a forward direction. You can back into the spaces by using that 5<sup>th</sup> spot to maneuver around.

Chair Harnais opens discussion to the public for comments or questions.

Liz Page, 137 Storrs Avenue, does not believe that this street can support this house being converted to a two-family. The driveway is very long and very narrow. It is barely one car width. She questions snow removal or a larger vehicle being able to fit in this parking arrangement described. If cars are parked in front of the house, cars will be backed up onto Washington Street. She doesn't believe Braintree residents want to have single-family homes converted to two-family homes.

Director Stickney states the driveway is your standard driveway size for a residential property, and there are five parking spaces to allow for maneuverability. There is also a condition in the decision which talks about no parking on the street, which would be an enforceable condition. The applicant has spent some time addressing other the units on the street. Ms. Zhong mentions that her attorney has been speaking with the church for an easement with the church to allow four cars to park in the back parking lot of the church. There are five parking spaces on the Site Plan is a backup plan in case the Applicant cannot get the easement. The driveway will be repaved for easy in and out. The parking spaces are in the back, there is no disturbance for the front view of the house; parking should not be any issues.

George Clements, 63 Monatiquot Avenue, is very familiar with this property, and he is providing some of the background on the property for the Planning Board. This property was once part of the church property and never paid taxes to the community for a very long time. The Applicant is putting this property back on the tax role and dress the property up. Relative to single family homes, Mr. Clements lives within eye-shot of this property, there are several multi-family homes and a special needs group home on Sherbrook Avenue. This is a dead end street, and at the end of the road, when they do plow, there is a large area to store the snow. Mr. Clements thinks it is a great project for the community, and he wants to speak in favor of it.

Member Grove has an unresolved problem with the permanent easement. Does it make the lot dimensional layout delusionary? While it is part of the lot, the Applicant has no control of it.

Director Stickney mentions the easement was counted into all the dimensional and density tables, including the impervious surface.

APPROVED

Assistant Director SantucciRozzi had done a lot of research on this property prior to the current applicant coming in. The ZBA, some years ago when that area was paved and used for parking for the church, suggested that they not move any of the lines so that the piece where the parking lot is was not combined with the actual church. That would place an undue burden on the applicant or the property owner because they would have to obtain variances for all of those deficiencies for the lot on Sherbrook because they would be shaving off about 3500 square feet. If the easement is abolished at some point, the Applicant would make that their backyard, and it would fill that gap. It was difficult to find history on this house.

Member Downey asks for an update on discussion with the church on use of easement. Ms. Zhong sent a letter to the church to try to get an adjustment for the easement. Her attorney is working on this, as well. Letter was sent five weeks ago, but she has gotten no response. There is no email or phone number. Member Downey asks what the adjustment would look like. Ms. Zhong states the adjustment would allow her to use four spaces so she wouldn't have to cut all of the trees and pave her backyard. Director Stickney states the easement is fairly specific about what she can do. Lot coverage is at 69% if she does have to do the backyard. Her requirement is 70%. It would make more sense for her to use the easement. The letter is in the Planning Board materials. Chair Harnais mentions that he wants to read the easement.

Member Mikami states last time there were a number of technical issues, and it looks like the Applicant has hired a professional engineer. It seems like all technical issues were addressed. Director Stickney confirms this. They do have the ten-foot setback on the left of the property. All issues with side-yard setback have been addressed. At the front of the property, they are making the foyer smaller and this will take the front yard deficiency away. Member Mikami would mention that at the last meeting the Town Council rose in opposition. Member Mikami knows there were issues with two-families around town. Member Mikami mentions that what surprised him since the last meeting is that he found out that, just in the last several years, we have had over 500 in-law conversions in the Town of Braintree. Those conversions are not under the jurisdiction of the Zoning Board or the Planning Board. That means you have over 500 additional residents in the past several years, which would certainly swamp the number of the handful of two-family conversions. Member Mikami is not saying this is good or bad, but we should take a look at each one on their merits. Member Mikami mentions there could be a hidden issue with in-law conversions, which is increasing population and number of cars, and it is under the radar. It amazed Member Mikami that the Town would have such a number of in-law conversions, and nobody knows about it. There is no information; it just is done. It is under the jurisdiction of the Building Department and probably having a much larger impact than the two-family conversions and other proposed developments. Member Mikami is hoping additional information is uncovered, and we know what the facts are. It makes this look like a small issue, and we need to keep some of these things in perspective.

Member Joyce asks about accessibility of vehicles in the back. How much space is shown between the end of striping and edge of pavement? Director Stickney doesn't believe there is two-way traffic width. Kai Yin Yip, Land Surveyor states to end of pavement the width is 41.6 feet. Each parking spot is about 20 feet long. There is about 21 feet behind vehicles. Member Joyce asks if the 10X10 trash area is going to be a concrete pad that the trash containers will sit on. Mr. Yip states yes, just a concrete pad. Director Stickney states they will get two receptacles. Space is designed for one trash barrel and one recycle barrel. Assistant Director SantucciRozzi states 8 ½ X 11 is standard parking space; the Applicant has 10 X 20.

Chair Harnais would like to see what the deed and easement says; he would like to review it carefully before he makes a vote. Assistant Director SantucciRozzi asks if the church has extra parking. If they don't have spaces over and above what they are required to have, then the Applicant cannot use the four spaces.

APPROVED

Director Stickney states we can continue to the next meeting. Chair Harnais states we would like time to look at the easement. The Applicant agrees.

Member Downey **MOTION** to continue this hearing to the April 14, 2020 Planning Board Meeting; seconded by Member Grove; voted 5:0:0.

**NEW BUSINESS/OLD BUSINESS**

**Project Update - File #15-16 – 205 Elm Street / Site Plan Review**

**Requested by: Riverwalk Development LLC and the Homeowners Association**

**7:40 PM – Four Planning Board Members and Associate Member William Grove are participating.**

**Appearing for the Applicant:**

**George Clements, Riverwalk Development**

George Clements, Riverwalk Development, is going to provide an update on the status of this project. The actual build-out has been complete. For landscaping on the front side, a portion of it was put in last year, and they added to that about six months ago. They have been working through that process. Part of the delay in the landscaping is that there was an extensive riverfront restoration that is still in process. It is a five year process that they committed to through the Conservation Commission. With George Clements are two of the three trustees for Riverwalk Development. As they started doing their plantings and looking at this project overall and working with Planning Staff, they have come to the consensus that the original plan that was submitted for the landscaping called for about 1100 plants and trees. As they started putting a lot of these plants in, concerns grew from the owners. Aesthetically, they are trying to find placement. If they were going to implement the landscaping, as originally proposed, there are another 600 plants or thereabouts that would have to be installed at that site. Mr. Clements doesn't think the site could support it, and if they did do that, it will create a big hardship on the owners in terms of maintenance. Mr. Clements would be concerned about how they would keep it in a beautiful state. With the growing season ahead of them, they would like to look at what that growing season looks like so that they get some color. Then they can evaluate and look at reducing some of the plantings, if the Planning Board would be inclined to do a Minor Modification.

Stephanie Cafree and Nancy Cristoferi, Trustees at 205 Elm Street, are in attendance and state they have been in discussion, particularly over the past couple of weeks. There are some issues that have been ongoing with the property – one of them being the landscaping. They would not be opposed to submitting a new proposal to the extent that it is in compliance with the settlement agreement to the pending litigation between the development and the homeowners.

Assistant Director SantucciRozzi states they are about 1/3 there; she had spoken with Mr. Clements and 1/3 is not going to do it. They have to come in with at least 50-60% of the plantings. The original plan was pretty cumbersome. The exercise of marking it up is not going to work because not everything is in exactly the right locations. The association members and residents want to get this done. What we do here has nothing to do with Settlement Agreements; it is related to compliance with the Planning Board. They will be needing a new plan because we need a record plan because we have to have a concrete reflection of what is out there. Assistant Director SantucciRozzi acknowledges that you cannot fit another 600 plants there, and to maintain it would be an absolute nightmare. She states everyone has to work together.

Chair Harnais mentions we need balance. Nancy Cristoferi states 600 plants would make it look wild and unmaintainable. Chair Harnais states it is an ownership issue.

APPROVED

Member Mikami asks what percentage of plants are in the back vs. front. Assistant Director SantucciRozzi states what we are discussing tonight is the front and sides. The back is the job of Conservation Commission. Member Mikami asks if there is going to be some access to the river in the back. Mr. Clements states that is a questions for the trustees.

Members Downey and Joyce have no questions and comments.

Assistant Director SantucciRozzi discusses timeframe. Mr. Clements states we should start seeing some seedlings next month. Assistant Director SantucciRozzi states we are going to miss the spring planting season. We want to see a Landscaping Plan by May/June. Mr. Clements confirms that is good for him. We will put it back on the Agenda for May. Assistant Director SantucciRozzi advises no motion is necessary, as long as the Planning Board is updated and people are working together.

### **NEW BUSINESS/OLD BUSINESS**

**Extension of Time to Complete - File #15-01 – Del’s Way Definitive Subdivision**

**Requested by: Strongpoint Engineering on behalf of Whitman Homes**

**7:53 PM – Four Planning Board Members and Associate Member William Grove are participating.**

Assistant Director SantucciRozzi suggests that if Planning Board Members have not already they go by and take a look at Del’s Way. She mentions that Mr. Whittington of Whitman Homes did a wonderful job. The engineer for this project called Assistant Director SantucciRozzi a couple of weeks ago because the Time to Complete had lapsed in February; she suggested they put in a Request for Extension. Assistant Director SantucciRozzi explains everything is done, the lots are sold, and the houses are beautiful. The topcoat on the yards will be done in the spring. She has progress As-Built plans which need minor updates, then we can close this out. She is recommending a six month Extension of Time to Complete until August.

Member Joyce **MOTION** to approve a six-month Extension of Time to Complete; seconded by Member Downey; voted 5:0:0.

### **NEW BUSINESS/OLD BUSINESS**

**Request for No Jurisdiction (Floodplain) – Watson Park Facility & ADA Improvements**

**Requested by: Braintree Recreation Department and East Braintree Little League**

**7:54 PM – Four Planning Board Members and Associate Member William Grove are participating.**

Andrew Berman, President of East Braintree Little League, explains that they have submitted a request for an exception from the Zoning that requires a Special Permit for development in the floodplain. Mr. Berman believes that Mr. Manning had forwarded some photo- graphs and a schematic that he provided. They are trying to rehabilitate and maintain Watson Park; this involves replacement of some bleachers (there is actually 13) and replacing six existing dugouts on three fields (Deloray, Machado and Sheridan). They would like to remove existing dugouts and install prefabricated dugouts. They have also proposed the replacement of two existing scoreboards on the two main fields. They have also proposed some protective netting adjacent to Sheridan, which is the field adjacent to the splash pad. This is similar to netting installed in Weymouth. It can be removed after the season is over. The same type of netting setup would be installed adjacent to Deloray at the walkway near the snack bar from the end of the dugout to the snack bar. They propose netting due to safety issues. The last item is the batting cage, which was originally proposed to be adjacent to Sheridan, but there are environmental issues there, including a paper road, some brush and a tree that they are trying to preserve. It is now proposed in the area between Machado and the Steele softball field.



Chair Harnais mentions his kids played there and asks about advertising along the outfield fence. Mr. Berman now has circular signs for sponsors that they put up then take down – the next phase would be to propose new fencing. Chair Harnais suggests lights on the first field would be nice. Chair Harnais states it is a beautiful field and a diamond in the rough. It is not about the adults; it is about the kids. Mr. Berman wants to be sensitive to the neighbors.

Member Mikami played on those fields and states it seems like the fences are the same as a certain number of years ago. Member Mikami mentions that Mr. Berman has come before Community Preservation Committee (CPC), and we are trying to use CPA funds for this project. The CPC met with Mr. Berman yesterday. It is a simple, straight forward project. We have advised him to work with different groups (Building Department, Planning, Conservation Commission, ADA), which he has done. It is pretty innocuous; there isn't any grading. There is going to be fences, netting to protect people, some signage. It is all for the kids, and it is all good stuff. Member Mikami advises that Mr. Berman is working diligently on it.

Member Downey asks what the new dugouts are going to look like. Mr. Berman provides a rendering and mentions that they are going to be done by a licensed, insured general contractor, who has done other work for the town, and comes recommended by Nelson Chin, Director of Parks and Recreation.

Chair Harnais discusses moving the Babe Ruth field to behind Hollis School.

Assistant Director SantucciRozzi has been working with Derek Manning, CPC and Mr. Berman, who has done an extensive package with photos. The jurisdiction would be the 100 Year Floodplain; this is coastal. There would be no compensatory storage required, even if he was going to be filling in or altering the floodplain in a manner that would displace storage. There are things that are at-grade that would be replaced at grade. There are a few things that are elevated above grade that would be replaced above grade (the slabs where the benches and dugouts are), and there will be some areas brought down to grade for accessibility components that are needed.

Assistant Director SantucciRozzi is suggesting that the Planning Board take No Jurisdiction. They are in front of the Conservation Commission for riverfront and other jurisdictional components that would not be in front of this board. Her recommendation would be to ask the Board to take No Jurisdiction and adhere to any recommendations made by the Conservation Commission, who is doing a very thorough review.

Member Mikami **MOTION** to take No Jurisdiction for the floodplain for the Watson Park facility; seconded by Member Downey; voted 5:0:0.

Chair Harnais recuses himself from the next matter.

### **NEW BUSINESS/OLD BUSINESS**

**Request for Surety Reduction - File #18-15 – 1515 Washington Street**

**Requested by: Foxrock Properties**

**8:02 PM – Three Planning Board Members and Associate Member William Grove are participating.**

Assistant Director Melissa SantucciRozzi explains this is Braxton/Washington Street, which is the building that has Iron Mountain, GoodSports and The Lottery. Foxrock has been doing quite a bit of improvements at the park, and at this point they are asking for \$120,000 returned out of the \$195,000 Surety Bond. She can answer any questions; otherwise, we need a motion to release the \$120,000.

APPROVED

Braintree Planning Board  
March 10, 2020  
Cahill Auditorium

There are no questions from Planning Board Members; Vice Chair Joyce entertains a motion to accept the Bond Reduction as described by staff.

Member Downey **MOTION** to accept the Bond Reduction of \$120,000 for PB File #18-15, 1515 Washington Street; seconded by Member Grove; voted 4:0:0.

Chair Harnais returns to the meeting.

Member Downey **MOTION to adjourn** the meeting; seconded by Member Mikami; voted 5:0:0.

The meeting adjourned at 8:06 PM.

Respectfully submitted,  
Louise Quinlan,  
Planning/Community Development