



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
Melissa B. McDonald, Member

Braintree Planning Board
October 14, 2014
Cahill Auditorium

APPROVE

Present:

Mr. Robert Harnais, Chair
Mr. Joseph Reynolds, Vice Chair
Mr. James Eng, Clerk
Mr. Darryl Mikami
Ms. Melissa McDonald arrived at 7:25 p.m.

Christine Stickney, Director
Melissa SantucciRozzi, Principal Planner

Chairman Harnais called roll at 7:10 p.m.

Zoning Board of Appeal Petitions – October

ZBA (14-31) 7:11 p.m.

340 Wood Road / Verizon Wireless

Chris Swiniarski, Esquire, McLane Law Firm, 900 Elm Street, Manchester, NH 03101

Mr. Swiniarski addressed the Board and explained that they are seeking an interpretation of the bylaw regarding the location of a wireless communication link within 500 FT of a school.

Chair Harnais directed his attention to the Planning Boards' recommendation and asked if any Board Members had any questions. There were no questions from the Board.

Mr. Reynolds made a Motion for a Favorable Recommendation; seconded by Mr. Eng
Vote: 4:0:0

ZBA (14-32) 7:17 p.m.

34 Thayer Road – Gabriel and Alivia McHugh

Mr. McHugh addressed the Board; he explained that he and his wife want to build a mud room between their house and garage.

The Chair asked for Staff comments. Ms. SantucciRozzi stated that the house is within 2 FT of the front property line and the garage is over the front property line. She said that Staff concluded that this alteration is substantially more detrimental and is recommending denial.

Mr. Mikami asked Mr. McHugh if they spoke with the Staff. He said he understood there would be no problem. Mr. Mikami asked if there is a hardship involved; Mr. McHugh explained the existing layout is the hardship. Mr. Mikami did not recognize this as a hardship.

Mr. Eng noted the lot is very long and narrow. He said approval would add to the violation, making it worse. He asked if the mudroom addition could be relocated further into the lot. Mr. McHugh said there is a large bolder behind the garage that prevents building in that direction. Mr. Eng explained that the Applicants should have met with the Planning Staff previously to discuss if the bolder is considered a hardship.

Mr. Reynolds asked if there was a possibility of redesigning the garage and mudroom. Mr. McHugh said there is no other way to locate a mudroom. Mr. McHugh reviewed the Plan with Mr. Reynolds to identify the location. Mr. Reynolds agreed with the other Board Members that this would make a further encroachment into the set back and allowing this would set a president.

Mr. Harnais further explained that a hardship involves topography, lot shape or soil conditions. He suggested that the Applicant either sit down with the Planning Staff or go forward to the Zoning Board.

Mr. Reynolds made a Motion for No Recommendation; seconded by Mr. Eng
Vote: 4:0:0

ZBA (14-30)

400 West Street / 400 West, LLC ***CONTINUED to November 10, 2014***
James F. Rader, Manager, 80 Washington Street, Norwell, MA 02061

(Ms. McDonald arrived at 7:25 p.m. and joined the Board.)

PUBLIC HEARINGS

2 Elm Street / Crown Pizza and Grill 7:33 p.m.

Special Permits and Site Plan Review (File 14-08)

Frank Marinelli, Esquire, 439 Washington Street, Braintree, MA
Vargas DaSilveira, President, Crown Pizza & Grill, Inc.

Frank Marinelli addressed the Board. He explained about the subject location, the intended type of food business and the Applicants' experience. The Applicant will use the space as was previously; he will reopen as a 49 seat restaurant with a build-out.

Mr. Marinelli explained the steps that Mr. DaSilveira has taken; he negotiated a building lease, he negotiated use of the church parking lot and met with the Planning Department. Mr. DaSilveira was informed that if his business product is 40% or more in a ready to consume state, a Special Permit is required and another Special Permit for the split zone, from Residence B classification to General Business Zone.

The Chair opened comments to the public. Charles Kokoros, Councilor of District 1 addressed the Board and stated his support for this business, the location and the Applicant.

Al Giardi of the First Congregational Church expressed his serious concern for the safety at this property but he and Mr. DaSilveira came to a favorable agreement. Mr. Giardi said that a special meeting was conducted at which there was a 100% favorable vote. Additionally, Pastor Leanne Welk is in support of this business.

Mr. Mikami asked Mr. Giardi if there were any issues with the prior owner. He answered there were no issues – no problems.

Ms. Stickney said Draft Conditions have been prepared and the Applicant has provided all requested documents. She asked Mr. Marinelli about the parking lot lease; Mr. Marinelli said it is not recorded but it is a signed lease.

Ms. McDonald commented that the business would be welcome.

Mr. Mikami questioned some tax arrears. Mr. Marinelli said it's only \$83.00 and although it is the landlord's responsibility, the Applicant will take care of it.

Ms. Stickney asked about overnight delivery vehicles; Mr. Marinelli assured the Board that there would not be overnight delivery vehicles.

Mr. Mikami asked about signage. Mr. Marinelli said signage will be pursued. Mr. Mikami wished them good luck.

Mr. Eng commented that it is good to fill an empty space but did not like the "fast food use" language. There was a short discussion about that language; Mr. Marinelli explained that since the current bylaw definition may be changed in the near future, this language was included to be within the bounds of the law.

Mr. Eng also noted the width of the door for handicap compliance. Ms. Stickney assured Mr. Eng that the Conditions include ADA Compliance.

Mr. Reynolds questioned the footprint change; Mr. Marinelli said it's pretty near the former footprint. Ms. Stickney directed the Board to the full size plans. Mr. Reynolds acknowledged the Staff's satisfaction with the plan submission. He asked about the construction timeline. The Applicant said there is not a lot of work left to be completed; he estimated it will be done in a few weeks.

Mr. Harnais asked if the Applicant intends to get a liquor license. Mr. Marinelli said yes, but it has not been applied for yet. The Chair also asked about exterior improvements; the Applicant assured the Board that he would enhance the landscape.

Mr. Harnais called for a vote; Mr. Reynolds made a Motion to close the hearing; seconded by Mr. Eng.

Vote: 5:0:0

Mr. Eng made a Motion to Accept the Correspondence dated 8/19/14 through 10/14/14; seconded by Mr. Reynolds.

Vote: 5:0:0

Mr. Reynolds made a Motion to Approve the Special Permit and Site Plan Review with Findings and Conditions dated October 15, 2014; seconded by Ms. McDonald.

Vote: 5:0:0

Approval Not Required Subdivision Plan 7:58 p.m.
11 Trainor Drive and 1107 Liberty Street / Giannino
Siu Wong, owner of 1107 Liberty Street

Ms. Wong addressed the Board and explained that they have already received approval from the Zoning Board. Ms. SantucciRozzi summarized, she stated that the Applicant provided a revised Application and Mylar that will be reviewed on Wednesday, October 15, 2014 and said the Applicant is requesting the Board to approve the Plans, subject to Staff Comments.

There were no questions from the Board.

Mr. Reynolds made a Motion to Endorse the Approval Not Required Plan; seconded by Mr. Eng
Vote: 5:0:0

236-240 Wood Road / Wood on Wood Road, Inc. 8:00 p.m.
Grading Permit (File 14-10)

Frank Marinelli, Esquire, 439 Washington Street, Braintree, MA
Larry Moulthrop, V.P. Hydrogen Systems, Pronton OnSite
Don Damon, Damon Enterprises
David MackWell, P.E., Kelly Engineering Group, Braintree

Chair Harnais read the Public Notice.

Mr. Marinelli addressed the Board and explained that Thomas Sullivan is the Principal of the company: Proton OnSite that manufacturer's hydrogen equipment and SunHydro is the retail component to hydrogen fuel; he stated that Larry Moulthrop of Proton OnSite was present. Mr. Marinelli said that on September 23, 2014, a license to operate a small hydrogen fueling station was approved (with conditions) by the Braintree Licensing Commission.

Mr. Marinelli further explained that this Proposal is for grading for a kiosk/filling station. Grading is required to level a pad area to install a self-service SunHydro fueling station. Further, 300 CY of fill will be needed requiring 17 truckloads within one week.

The proposed hydrogen fuel system is only large enough to service 8 hydro vehicles per day. This location will simply be a prototype Mr. Marinelli briefly explained the hydrogen technology, the Applicants' qualifications and compliance.

Mr. Marinelli explained that the Braintree Fire Department recently visited the Proton OnSite fuel location in Wallingford CT. He said that all required Flammable Storage Certificates have been obtained.

There were no questions from the public.

Ms. McDonald asked if this is the only hydro-station in Massachusetts. Larry Moulthrop explained this is used in private industry but this is the first public station. She asked about the mechanics of fueling with hydrogen, Mr. Moulthrop explained the process.

Mr. Mikami asked about the cost compared to gasoline; Mr. Moulthrop said currently, it's a little more per gallon than gasoline. It is anticipated that the cost will lower, as stations and cars increase. He explained that they are limited to 46 Kilograms of storage which limits the amount of cars they are able to service to 8 vehicles per day.

Mr. Mikami asked if they plan to increase the number of stations.

Ms. SantucciRozzi commented that the Board is only regulating the grading. To increase the number of stations, they have to amend their license from the Braintree Licensing Commission and work through the safety issues with the Fire Department. Mr. Mikami asked Mr. Marinelli if the fill will be covered; Mr. Marinelli said it will be paved.

Mr. Eng asked if there has been any risk at any of the other fill stations. Mr. Moulthrop said there have been no safety issues and reinforced the safety measures designed for hydrogen fuel. He explained the partnering with experienced companies.

Mr. Eng commented on a statement from a report dated October 9, 2014 by David Kelly that noted an existing 12" RCP outlet pipe that appears to run under the existing building and drains to land in the right-of-way for Interstate Route 93. Mr. Eng wanted further clarification. Mr. Marinelli pointed out the age of the properties in the area and they do not have sophisticated systems. He also noted that this project will not add any volume to the pre-existing condition.

David MackWell with Kelly Engineering Group explained that a surveyor couldn't find the end of the existing pipe, noting also the age of the property infrastructure in this area and said a fence divides the property and the highway.

(At 8:20 p.m., Mr. Reynolds took a moment to explain that Chairman Harnais stepped away from the meeting and he took over the meeting.)

Ms. SantucciRozzi summarized that all the requested items have been addressed in a Response Memorandum dated October 9, 2014; including Plan Revisions as well as a revised Drainage Maintenance Plan.

Mr. Reynolds asked about landscaped islands as opposed to the existing paved striped ones (Pg. 5, Sec. 2L of the October 9, 2014 letter response). Mr. Marinelli said that the site has very low traffic volume, the physical area is limited and striped islands are the most practical.

Mr. Reynolds questioned the resupply of fuel. Mr. Moulthrop offered that since it is a water vapor process, there is no bulk transfer of hydrogen to the property.

Ms. SantucciRozzi commented that she will update some Conditions and specifically, Condition #37 will be revised and included. Mr. Marinelli said the Applicant has reviewed the Conditions; Mr. Moulthrop stated they accept the Conditions.

Ms. McDonald made a Motion to Accept the Correspondence dated September 4, 2014 through October 9, 2014; seconded by Mr. Eng.

Vote: 4:0:0

Ms. McDonald made a Motion to Close the Public Hearing; seconded by Mr. Eng.

Vote: 4:0:0

Mr. Eng requested appropriate language be added to the Conditions that require the Applicant to locate and document the drain pipe on a Plan (as discussed).

Mr. Eng made a Motion to Approve the Grading Permit with Conditions as stated; seconded by Mr. Mikami

Vote: 4:0:0

Continued Public Hearing 8:45 p.m.

**39 Quincy Avenue – Boston Gas Company d/b/a National Grid
Administrative Site Plan Review and Special Permit (File 14-07)**

Ray Quinn, SITEC Environmental, Design Engineers

Patrick Schmidt, Sr. Project Manager, National Grid

Mark Meche, Architect, Winter Street Architects

Ray Quinn addressed the Board and explained that the activity use limitation (AUL) originated on the property by the State DEP Office; it required certain management practices regarding contamination issues and limits the use to the current activity.

Ms. Stickney summarized that this is a review with conditions; there is a set of Draft Conditions for approval.

Mr. Mikami asked about the landscaping plan. Mr. Quinn said Condition #6 relates to the landscaping, a plan will be submitted. Ms. Stickney noted also Condition #36 and that there are issues to work through. Mr. Mikami stressed the importance of a visual landscaping upgrade.

Ms. McDonald had no questions.

Mr. Eng said it's a huge improvement and impressed that the site and the landscaping be maintained.

Ms. Stickney noted Condition #28; the difference in the parking calculation and clarified that there are 164 spaces. If there is any other conversion in the future, they will have to return to the Planning Board.

No further questions or comments

Ms. McDonald made a Motion to Accept the Correspondence dated October 3, 2014 through October 14, 2014; seconded by Mr. Mikami
Vote: 4:0:0

Mr. Mikami made a Motion to Approve the Project and Accept the Conditions as stated; seconded by Mr. Eng.
Vote: 4:0:0

(Mr. Reynolds called for a 5 minute recess)

Continued Public Hearing 9:00 p.m.
Whites Hill Estates II - OIB Corporation
Definitive Subdivision Plan Amendment (File 04-02)

Kevin Emery and James Douglas, O.I.B. Corporation
Michael Rosati – Marchionda & Associates, L.P., Stoneham, MA

(Mr. Reynolds announced that the Chairman had an emergency and would not return to the meeting. He informed the Applicant that they can continue if they wanted to, however it will be missing the Chairs' vote. James Douglas spoke for the Applicants and stated they will continue to December 9, 2014 at 7:45 pm)

Mr. Reynolds announced that Whites Hill Estates II was continuing to December 9, 2014 at 7:45 pm by decision of the Applicant to not proceed with less than a full 5 member Board.

Directors Update – Allen Street

Ms. Stickney explained about exploring the reuse of former BELD site and possible future development. She said they [Mayors' office] are reviewing the zoning to potentially include it in the Weymouth Landing Zoning District.

Ms. Stickney asked the Board to consider sponsoring an Article to petition the Town Council for Rezone. This Zoning Article can only be sponsored the Mayor's Office. She said this discussion is to alert the Board that it will come before the Board as a Public Hearing at which time, there will be more detail.

Approval of Minutes – September 2014

Mr. Eng made a Motion to Accept the Minutes of September 10, 2014; seconded by Mr. Mikami
Vote: 4:0:0

**Recommendation – Discontinuance of Public Layout of
Cliff Street and a Portion of Lancaster Road**

Quirk Auto Dealerships for the Owners, K. Spillane, LLC and Book She, LLC

Ms. SantucciRozzi summarized that a Petition was submitted by Quirk to the Town Council (TCO 14-061), to discontinue Cliff Street and a portion of Lancaster per a plan that was previously distributed to the Planning Board for review. She explained that Quirk owns all of the property abutting the layout and in Staff's opinion, the road(s) serve no public purpose at this time. Staff recommended favorable recommended to the Town Council.

Mr. Mikami asked Ms. SantucciRozzi, if these roadways are removed, will they never be recognized as such. She explained this removes those layouts and provides a more suitable land area for potential tax revenues.

Ms. McDonald had no questions.

Mr. Eng clarified that when this happens, Quirk takes ownership of this land that is now Cliff Street and Lancaster Road and is taxed accordingly which will benefit the Town.

Mr. Reynolds had no questions.

Mr. Eng made a Motion for Favorable Recommendation to the Town Council; seconded by Mr. Mikami.

Vote: 4:0:0

With no further business, Mr. Mikami made a Motion to Adjourn the Planning Board Meeting; seconded by Mr. Eng

Vote: 4:0:0

Meeting adjourned at 9:23 p.m.

Respectfully Submitted,

Elizabeth Schaffer