



# 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  
Erin V. Joyce, Member

### Braintree Planning Board – December 1, 2015 – Johnson Chambers

Present:

Mr. Robert Harnais, Chair  
Mr. Joseph Reynolds, Vice Chair  
Mr. James Eng, Clerk  
Mr. Darryl Mikami  
Ms. Erin V. Joyce

Christine Stickney, Director

**APPROVED**

Chair, Robert Harnais, called roll call at 7:14. All five members are present.

### PUBLIC HEARINGS

7:15 PM – 290 Wood Road (PB File #15-08) – Billboard Special Permit/Site Plan Review  
Applicant: Total Outdoor

All 5 PB Members Participated

Present for the applicant:

Lynnea Taylor, Attorney

Lynnea Taylor, Attorney on behalf of applicant, Total Outdoor begins discussion. Since last hearing, we did provide board with a rendering of proposed billboard at a height of 50' and lowered the F1 sign that was requested by Planning Board at last hearing. There is no additional information to add, but they are available to answer questions.

Chair Harnais opens discussion up to public.

Laurie Melchionda, Treasurer of North Braintree Civic Association (NBCA), representing the Board of Directors of North Braintree Civic Association, reads statement that was previously submitted to the Planning Board and filed in each billboard application file. In summary, the North Braintree Civic Association is opposed to all digital billboards due to potential of distracting drivers and endangerment of road safety. Additional information provided is an article from WCVB stating the 50 worst bottleneck areas in the United States, where the Braintree Split is number 28 on the list.

Cyril Chafe of 15 Wyman Road is against billboards. With solar glare, high traffic volume, etc. it is a distraction and opens up the floodgate to put signs all up and down Wood Road.

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Liz Paige, Vice President of NBCA, agrees with Laurie Melchionda, but in addition she wants to state that Braintree is moving backwards with regards to signage. People got away from billboards because it was considered clutter or pollution to our environment. The entire attention with billboards is distraction – it is a terrible direction to go in.

Mike Lang, Environmental Coordinator, East Braintree Civic Association (EBCA), believes that this is an issue of safety. It is also a tacky proposition. It is an attractive nuisance. He discusses how programs are trying to eliminate texting while driving and feels this is counter-productive.

David Oliva, Chairman EBCA, here to support NBCA. If you go to Maine, there are no billboards. They are everywhere on our highways. There are more and more distractions in cars (i.e. radios, GPS, etc.). This just adds more distractions. Instead of driving, we are having them do everything but. You can tell the driver that is engaging in all the distractions by the way they drive. Money becomes more important than safety. He thinks it is a bad idea.

Denny Houghton Swenson, President of Friends of Blue Hills Reservation, discusses scenic vista; their members from Braintree approached Board members over the weekend with questions about the scenic vista. They were mainly reaching out about the third billboard, Lamar Central. There is quite a bit of activity related to signage changes. They would like to take the time to assess the impact on the Blue Hills Reservation view scape. She would like us to pause on this. There are so many signs; it could have a serious domino effect. The intrinsic value of the view may be worth more in the long run than revenue of tax dollars. They would like to have 30 days to assess. Chair Harnais clarified that these discussions have been underway for some time, and a decision will be made tonight.

Chair Harnais provides an opportunity for the applicant to address any questions or comments.

Member Joyce asks about additional information on tree-trimming. Attorney Lynnea Taylor states there will be tree-trimming required, and this is coordinated by applicant with Mass Highway. Member Joyce asks, is there tree-trimming associated with relocation of F-1 sign? There wouldn't be trimming done for the F1 sign. Member Joyce finds the ledge and the vegetation to be somewhat unique along Wood Road. It is one of the higher spots along the ledge. When talking about putting billboard on top of the ledge, it still weighs on her mind as a concern. Member Joyce is still not convinced that studies provided by applicant (Mass DOT Memorandum on Pilot Program) show that we are providing a safe environment to this location by adding a billboard. Federal Highway Administration Study that was also provided looks at 55 drivers having their eye trackers measured with two researchers in the car with them. I question the safety given this location being so close to decision points.

Member Mikami appreciates the residents coming out; as Chairman mentioned, we have had a series of meetings on this. Your letter addresses many of the issues that

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have been our concerns at these meetings. This is a Town Council ordinance and started with a legislation process. It is our job to monitor it or minimize it, as you say in the letter. We hear you and have gone through the thoughtful research for all the proposals in front of us. Thank you for your comments.

Member Eng brings up the drive-in that was located in the area of Logan Express. He would compare the digital billboards to the drive-in. You are watching it for as long as you can. Those are the comparisons Member Eng is trying to stress. It is hard not to be distracted. Member Eng refers to two ordinances, Chapter 135 and Section 910, do you feel comfortable that you have complied with all of these regulations. Attorney Taylor says yes, she does. Member Eng does not feel all bylaws have been complied with.

Member Reynolds thanks staff for findings and due diligence. He points out density and dimension deficiencies around Section 135-503, Subparagraph I(1). The next is outstanding legal questions concerning the shared driveway for the access and egress; that was information lacking in the application from our perspective. The existing signage (F1 Sign) cannot be determined to meet the ordinance bylaws. This is information pertaining to the F1 Building. There is presently wall signs that exist on the southeast side of that building that are in conflict with the bylaw. Member Reynolds view is that we are adding to the issue. Section 135-503, Subparagraph I(7) found the site could not find the required open space. The existing site currently exceeds the required building and lot coverage and minimum open space requirements. Topography is another question we have from being in a harmony perspective. Lastly, there is a balance between the need to protect property owners, the need for the community to generate revenue and the need to have a balance of quality of life. We take that as a serious charge. He feels, in this particular case, that there will also be a visual clutter, although that is not the deciding factor.

Attorney Taylor states the shared drive is not affected by the structure in any way. As far as access, it only provides access to the back of 290 Wood Road and not another site. That will not change. It would provide sufficient access for equipment need during construction; it is a matter of a couple of days that equipment would be on property. It would not affect access to property that the Applicant can see.

Chair Harnais reminds the group how he has always felt about safety; he has concerns that there is merging going on in that area. Before he asks for a motion to close the Public Hearing, he provides Attorney Taylor an opportunity to speak with her clients to give them an opportunity to withdraw the application. He is giving every applicant an opportunity to withdraw application.

There is a five minute recess.

Chair Harnais clarifies that each billboard is being considered separately.

Attorney Taylor states the Applicant will not withdraw their application in this location.

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Chair Harnais has always stated this is a safety concern. Safety is not just the visual distraction; there is also a need to consider the location, where the traffic and congestion is. I have strong concerns with that. It will never be a money-driven decision. It is a decision of safety and aesthetic. That is a bad location, which is too close to four different roads. You have done an incredible job advocating for your client. Your client has done an incredible job presenting.

Member Eng **MOTION** to accept correspondence from February 2, 2015 through November 24, 2015 (42 items of correspondence) into record; seconded by Member Reynolds; unanimously voted-5:0:0.

Member Reynolds **MOTION** to close public hearing; seconded by Member Joyce; unanimously voted-5:0:0.

Member Reynolds motion to recommend denial based on findings from Special Permit Granting Authority due to inability to meet requirements of Section 135-503, Subparagraphs I(1), I(2), I(4), I(6), I(7) and also unable to demonstrate compliance with Section 910-05, Subparagraphs (3) and (4); Seconded by Member Eng; unanimously voted-5:0:0.

**8:00 PM – 236-240 Wood Road (File #15-10) -- Billboard Special Permit/Site Plan Review  
Applicant: Total Outdoor**

**All 5 PB Members Participated**

**Present for the applicant:**

Lynnea Taylor, Attorney

With respect to this application there is no new information for the PB other than what has been presented at the last meeting.

Chair Harnais opens discussion up to public.

Laurie Melchionda, Treasurer of North Braintree Civic Association (NBCA), representing the Board of North Braintree Civic Association, reads statement that was previously submitted to the Planning Board and filed in each billboard application file. In summary, the North Braintree Civic Association is opposed to all digital billboards. Additional information provided is an article from WCVB stating the 50 worst bottleneck areas in the United States, where Braintree is number 28 on the list.

Cyril Chafe of 15 Wyman Road feels same as before. It is a choke point. It is a distraction. He recommends against it.

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Liz Paige, Vice President of NBCA, wants to reiterate the same concerns she had previously. She has concern about congestion and distraction to drivers. Braintree should be doing the right thing and not trying to distract drivers.

Mike Lang, Environmental Coordinator, East Braintree Civic Association (EBCA), feels it is a danger. One issue he meant to bring up last time, there is an agency that sets standards. With regards to Fore River Bridge, the reaction time for drivers is 2 to 2.4 seconds at 40 miles per hour. At a faster rate in the area of the billboards, the reaction time would be even less.

David Oliva, Chairman EBCA, here to support NBCA. He would like to reiterate what he said before. This is going backwards. Other states live very well without billboards. He feels it is a very bad idea.

Denny Houghton Swanson, President of Friends of Blue Hills Reservation, restates what she spoke of earlier. She discusses their concerns about the scenic vista. There is quite a bit of activity related to signage changes. They would like to take the time to assess the impact on the Blue Hills. She would like us to pause on this. The intrinsic value of the view may be worth more in the long run than revenue of tax dollars.

Chair Harnais opens discussion to Board Members.

Member Joyce had a question to confirm sign height. This sign is proposed at 75' height. That puts signs at 87.5 feet above highway. Bylaw talks about 75' height, and we have had discussion about appropriateness of height above the highway. She wanted to confirm that was still what is proposed for this particular location. In the past, talking about concern for height and distraction of driver when the sign is high, that remains a concern for her. Her biggest concern about this location, referring to the Mass Highway Pilot Program, is the recommendation that these digital billboards should not be installed in the immediate vicinity of lane drops, merge points, etc. By her calculation, this sign is within 250' from lane drop. It is only 400' from the signs on northbound side indicating the splits. It is a significant public safety concern, even worse than previous application.

Member Mikami mentions that at last meeting it was stated that sign was going to move closer to building. Attorney Taylor states it is within 10'; this is more in the way of what Peer Review recommended.

Member Eng again discusses distraction at this location. He uses example of drive-in again. He feels he would be distracted by a sign that changes in so many seconds. Do you feel you have complied with Chapter 135 and 910? Attorney Taylor feels they have. Member Eng disagrees.

Member Reynolds refers to discussions about soil borings and bedrock. Attorney Taylor believes that all questions regarding structure and foundation was addressed through Peer Review Consultant, and they were satisfied with information provided. Director

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Stickney states there was reference in the August 18<sup>th</sup> correspondence. There were no new soil borings for the new location. Attorney Taylor feels that the soil borings were a better indication of the new location. Member Reynolds asks if there was anything that was provided that indicated this. Attorney Taylor states it was all contained in the filing on July 29 in which the Engineer provided all of the information asked for to Peer Review Consultant. They subsequently asked if Peer Review Consultant needed further information. It was her understanding that everything was provided to Peer Review Consultant that was needed. Member Reynolds states there are a number of other issues that are cumulative in nature that add up to concerns for this sight. We also have another situation with this site as to how they address the concerns of our existing ordinance and bylaws. We have a proposed height of 75'. We felt the illumination would shed light on adjacent building at 230 Wood Road. There are a number of issues regarding signage in that area. We feel we may have reached a limit in signage in the proposed area. Is the second proposed site, the area in the easterly corner of the lot, where there is a more congested area, the right location for this sight? Others have discussed the aesthetics. I don't feel as if it meets the criteria of Section 135-503, Sub-paragraph I (6) regarding screening and buffering. There is also the issue of height, where there is more of a likelihood of distraction.

Chair Harnais returns to the proximity of the congested area. One of the issues is location for safety issues. They should have taken into account the location of the Braintree Split. He has always felt the issues are safety and location.

Attorney Taylor would like to withdraw this application.

Member Eng **MOTION** to accept correspondence between April 17, 2015 through November 23, 2015 (30 items of correspondence) into record; seconded by Member Reynolds; unanimously voted-5:0:0.

Member Reynolds **MOTION** to close public; seconded by Member Joyce; unanimously voted-5:0:0.

Applicant has presented request to withdraw application. Chair will entertain a motion.

Member Reynolds **MOTION** to allow Applicant to withdraw application; seconded by Member Eng; unanimously voted-5:0:0. This will require a letter, which will be provided tomorrow by the Applicant.

**8:30 PM – 340 Wood Road (PB File #15-09) Billboard Special Permit/Site Plan Review  
Applicant: Lamar Central Outdoor LLC**

**4 PB Members Participated**

(Ms. Joyce did not participate due to a professional relationship with the property owners, and she left the hearing room).

**Present for the applicant:**

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**Attorney Jeffery Drago, Lamar Central**

**Michael F. Murphy – Lamar Providence Vice President/General Manager**

Attorney Drago states there is no further information since previous meeting, other than the fact that they have come to agreement with Haemonetics, who is present tonight.

Laurie Melchionda, Treasurer of North Braintree Civic Association (NBCA), representing the Board of Directors of North Braintree Civic Association, reads statement that was previously submitted to the Planning Board and filed in each billboard application file. In summary, the North Braintree Civic Association is opposed to all digital billboards. Additional information provided is an article from WCVB stating the 50 worst bottleneck areas in the United States, where Braintree is number 28 on the list.

Liz Paige, Vice President of NBCA, wants to reiterate the same concerns she had previously. Although this is slightly further along, she still has concern about congestion and distraction to drivers. Braintree should be doing the right thing and not trying to distract drivers.

Cyril Chafe of 15 Wyman Road feels same as before. It is a choke point. He asks how high the sign is going to be and if anyone has done a study with winds.

Member Eng responds that when engineer designs billboards they take the wind load into account when designing the foundation. That was one of the first questions that was asked. They take all things into consideration; that is also why we hire a Peer Review Engineer to look at their design to make sure it conforms to design standard that is capable of handling winds.

Mike Lang, Environmental Coordinator, East Braintree Civic Association (EBCA), repeats his previous opinion. It is a dangerous intersection made more dangerous by the distraction of these signs.

David Oliva, Chairman EBCA, here to support NBCA. He reiterates everything he said before. What happens when this sign goes up and a business in the area wants a sign like this? Chair Harnais states he doesn't want to give the impression that there will be a tidal wave of approval. There is an ordinance process; things are looked at separately – one at a time.

Denny Houghton Swanson, President of Friends of Blue Hills Reservation, restates what she spoke of earlier. She discusses their concerns about the scenic vista. There is quite a bit of activity related to signage changes. They would like to take the time to assess the impact on the Blue Hills. She would like us to pause on this. The intrinsic value of the view may be worth more in the long run than revenue of tax dollars.

No further public comments. Discussion is opened up to Planning Board.

For the record, Member Joyce withdrew from this hearing.

Member Mikami asks applicant to confirm elevation. Applicant states elevation from highway at 110' to base and 75' above that. Member Mikami confirms that Applicant made arrangement to move medical sign 200'. Applicant states they came to agreement with Haemonetics to move their sign, but because of size of Haemonetics' sign (10' X 40'), they would be required to go before Zoning Board. They have signed agreement with Haemonetics, who is present.

James McInnerney, Haemonetics, reiterates they have come to agreement that Lamar. The Lamar sign can be located where it was originally designed. Haemonetics will relocate their sign at Lamar expense to a location on Haemonetics property. Member Mikami asks would you definitively move your sign if this proposal was approved. James McInnerney, Haemonetics, states yes; they have a signed agreement that states Lamar would pay to relocate sign, which will require approval of Zoning Board.

Member Eng asks if he has any idea where he will be moving sign. James McInnerney states the plan would be further south onto their property closer to their building, with the same size sign. There is no further discussion on the matter of the Haemonetics sign, as this will require ZBA approval.

Director Stickney states at the last meeting, the Applicant talked about moving your property owner's ground sign 200' towards Harvey Industries and had a letter supporting that relocation. Member Mikami's interpretation was that you were absolutely moving the ground sign, as staff states. There was no doubt in Member Mikami's mind. The Applicant states they will move the ground sign.

Member Eng wants to be sure that the ground sign is moved. He further asks, going through Braintree Zoning Bylaws 135 and 910 are you confident that you are complying with those two sections? Attorney Drago states yes.

Member Reynolds states that he does look at this third site differently than the previous two because of the height element. We are looking at a sign further down Wood Road. Some of the conditions of concern with the previous two applications do not exist here. Those are positives, as far as the application goes. The height of the sign, minus the cliff height, I don't like the height of 75'; I would prefer something lower. Member Reynolds is having a difficult time trying to find a legal argument to say no -- you don't meet the criteria. Member Reynolds wants to make clear for the public, this is a balance that we have to take into consideration, that we open ourselves up to legal action if we, without basis, deny. His only comment is that he would not go any higher than 70'.

Chair Harnais still has strong concerns and does not agree with 75', although location is better for this site. He asks if Applicant would be willing to do 65'.

Attorney Drago asks if the Planning Board and the Chair would consider 70'.

Chair Harnais states his concern has always been safety, as it is paramount.

Laurie Melchionda asks question. Is this digital sign changing every 10 seconds? Mike Murphy says yes, it is according to state regulation. She mentioned a concern related to appropriate signage. She also states it is still in the area of the merge; it might be a little further down than merge, but still in the same area.

David Oliva, EBCA, distraction is distraction no matter where it is located.

Denny Houghton Swanson, President of Friends of Blue Hills Reservation, asks has the town had the chance to do any beautification assessment, scenic assessment, etc. Chair Harnais states the site was decided upon after public hearings; it was decided this area would be the best location for signage. The Planning Board was not part of that decision making. The Town Councilors took public input to make this decision, as to the best location for the Town of Braintree.

Member Eng **MOTION** to accept correspondence between April 13, 2015 through November 23, 2015 (40 items of correspondence); seconded by Member Reynolds; Vote: 4:0:0.

Director Stickney wanted to clarify before the Board this evening is a set of draft conditions. The boiler plate conditions are 1-16 that go with all our Special Permits. Starting with Condition 17, through Condition 33, we have all of the conditions unique to this application. Director Stickney highlights Conditions 17 through 33.

Director Stickney wants to recommend to the Board that they consider a Condition 34 that based on the letter submitted by the Applicants, the ground sign of the Property Owner be moved 200' east as noted on the Revised Site Plan.

Member Mikami refers to an issue the MBTA had with a sign deemed to have a political message and asks how a sign deemed political would be handled. Member Reynolds clarifies further that it is not from an election standpoint but it is related to very controversial things of one group against another. Both Attorney Drago and Mike Murphy agree that they would not have this type of advertising. Mr. Murphy states they have a governmental strategist that reviews anything political in nature.

Member Reynolds **MOTION** to close public hearing; seconded by Member Eng; Vote: 4:0:0.

Chair entertains a motion; Member Reynolds feels there is an application that has met criteria of guidelines, combined with lower sight elevation of this site compared to other sites being considered, no vegetation is being removed, the distance factor away from the Braintree Split and off ramps is a factor that lends itself to safety issues overall. Member Reynolds feels we cannot deny just based on distraction.

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Member Reynolds **MOTION** approval with height capped at 70' rather than 75'; the 4' elevation by the road gets it close to the 75' and further with Conditions 17 through 34 stated by Director Stickney; seconded by Member Eng ; Vote: 4:0:0.

Director Stickney clarifies Planning Board can condition property owner's ground sign but cannot condition Haemonetics sign.

Attorney Drago provides clarifying information to support the fact that if Haemonetics sign is not moved or does not receive ZBA approval to move, Lamar will not install billboard.

The Chair entertains a motion to convene the meeting at 9:15PM. Member Reynolds **MOTION** to adjourn the meeting; seconded by Member Eng; 4:0:0.

The Meeting adjourned at 9:15PM.

Respectfully submitted,

Louise Quinlan  
Planning/Community Development