



Joseph C. Sullivan
Mayor

Department of Planning and Community Development

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PLANNING BOARD

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

APPROVED

Braintree Planning Board – March 8, 2016 – Cahill Auditorium

Present:

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

Christine Stickney, Director
Melissa SantucciRozzi, Principal Planner
Jeremy Rosenberger, Zoning Administrator

Chair, Robert Harnais, called roll call at 7:05 PM.

Zoning Board of Appeal Petitions – March 2016

OLD BUSINESS:

Petition #14-33 -- 639 Washington Street (Bonnie Tan). They will be appearing before the Zoning Board of Appeals once again, as they received an extension.

Petition #15-10 -- 60-80 Campanelli Drive (Thayer Academy & Jay I. Hanflig). This received an extension. The Zoning Board of Appeals wanted the Applicant and the abutters to meet in between meetings to see if they could work out some concerns and issues regarding the project.

Petition #15-61 -- 128 & 0 Town Street (BSC Partners, LLC & Town of Braintree). There are no updates on this petition.

NEW PETITIONS:

Petition #16-03 4 Alfred Road

Ylli Kono and Enilda Sulce, 4 Alfred Road, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407 and 701 to construct a 16'x32' in-ground pool within the front yard setback area. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 4 Alfred Road, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 2087, Plot 25, and contains a land area of +/- 8,714 sq. ft.

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The Zoning Administrator clarifies that, because this is a corner lot, this property is subject to two front yard requirements. The Zoning Administrator recommended approval with a condition. Because it is a corner lot, there is a provision that requires a bit of an offset for traffic visibility. He provided a document that shows the fence lines squeaks into this traffic visibility zone. He is asking the Applicant, upon approval, to provide any plans to the Building Department that provides an offset to make sure it is not in that area.

Member Joyce asks if the Applicant has been receptive to the revision of the fence line. The Zoning Administrator replies yes; it is very small what they would need to do. Member Joyce asks if there are other examples in their neighborhood of pools in the side yard. The Zoning Administrator states that at 11 Kane Avenue, there was a favorable recommendation; that was basically the same size property, same site, except they had existing landscaping.

Member Eng asks, with the installation of the fence, are there any setback issues. The Zoning Administrator replies no, but the pool requires a variance because it is in the 20' front yard setback area on Joseph Road. So, the Applicant is short 8' for the setback.

Member Reynolds asks if there have been any comments from Abutters. The Zoning Administrator states no.

Member Eng **MOTION** to move forward with favorable recommendation with the condition of the fence; seconded by Member Reynolds; unanimously voted 5:0:0.

Petition #16-04 1317 Liberty Street

Daniel J. O'Sullivan, 1317 Liberty Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407 and 701 to subdivide subject property, resulting in a 14,071 sq. ft. lot (Lot 1) and 7,129 sq. ft. lot (Parcel 1); combine Parcel 1 with 1321 Liberty Street, a lot containing 22,832 sq. ft., resulting in a new lot of 29,961 sq. ft. (Lot 2). The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located 1317 Liberty Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 1088, Plot 02, and contains a land area of +/- 21,199 sq. ft.

The Zoning Administrator, Jeremy Rosenberger, states the applicant is here to discuss the project. This is a proposal to subdivide 1317 Liberty Street and provide some additional square footage to the adjacent lot. Mr. O'Sullivan presents that he purchased 1317 Liberty Street in the November/December timeframe. The reason he purchased

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the property was because with his existing lot, the driveway is very small. There was a medical emergency several years back and the emergency vehicles could not turn around in his driveway. This may have resulted in a lengthy hospital stay. When this property came up for sale, he felt it was a good thing to buy it. He wants to split the lot in two, and add a parcel to his existing lot. He wants to make a circular driveway on his existing property.

Member Eng asks the applicant if he has looked at how the ground water is going to drain around the new driveway. Are there any catch basins? The Applicant responds that there will be; they will be tied into his existing driveway when it is done.

Chair Harnais acknowledges that staff recommendation is for approval.

Member Reynolds **MOTION** to recommend approval; seconded by Member Eng; unanimously voted 5:0:0.

Petition #16-05 40 McCue Drive

Susan Siegler, 40 McCue Drive, Braintree, MA 02184 seeks relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 609 and 701 to construct a bedroom (12'x18') over an existing garage. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located 40 McCue Drive, Braintree, MA 02184 and is within a Watershed B District Zone, as shown on Assessors Map 1069, Plot 72, and contains a land area of +/- 15,528 sq. ft.

The Zoning Administrator states this was an application that came before the Planning Board in 2013 at which time the Planning Board provided a favorable recommendation for the proposed variance. Unfortunately, they never exercised that variance, the year lapsed, and they are back before you.

Member Joyce confirms that everything is fine with the garage, and the applicant is just looking to build above it. The Zoning Administrator states that his recommendation to ZBA is that they just need a Finding, as opposed to 2013 when they needed a variance for the garage because in 1991 they received a variance to convert an existing carport to what is the existing garage. Unfortunately, the 1991 variance was never recorded at the Registry of Deeds. Back in 2013, they assumed they would need a variance because that was never registered, but the Statute of Limitation for zoning violations expires after 10 years. This makes it an "as-is" condition and should be subject to a Finding.

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Member Reynolds asks, with the short distance (2.5 feet) has there been any comments from the abutter. The Zoning Administrator states no; it has been 2.5 feet since 1991.

Member Reynolds **MOTION** for favorable recommendation based upon the history of the property and Statute of Limitation from the 1991 date; seconded by Member Eng; unanimously voted 5:0:0.

CONTINUED PUBLIC HEARING

Grading Permit

John Mento of Mento Homes, 1091 Liberty Street (PB File #15-17)

7:43 PM – All five Planning Board members participated.

Chair Harnais states that the Planning Board has received a letter from the Attorney for Mento Homes indicating that they want to withdraw without prejudice the application for a grading permit.

Member Eng **MOTION** to accept the withdrawal; seconded by Member Reynolds; unanimously voted 5:0:0.

CONTINUED PUBLIC HEARING

**Special Permit (Floodplain) and Site Plan Review –
Gary Gabriel – 100 River Street (PB File #16-01)**

7:50 PM – Four Planning Board members participated; Chair Harnais is not participating as he missed initial presentation in February.

Principal Planner, Melissa SantucciRozzi presents that the Applicant, Gary Gabriel, has requested a continuance, as he needs more time to submit his revised plans and responses to the questions from the Public Hearing and the Staff Report. Staff is proposing a continuance to 8:45 PM on April 12, 2016.

Member Reynolds **MOTION** to continue the public hearing to April 12, 2016 at 8:45 PM; seconded by Member Eng; unanimously voted 4:0:0.

PUBLIC HEARING

Grading Permit – Thayer Academy – 745 Washington Street (PB File #16-03)

Present for the Applicant:

Nate Cheal, Project Engineer, Tetra Tech

Bill Stevenson, Business Manager, Thayer Academy

Glenn Howard, Landscape Architect, CDM Smith

Bob Daylor, Trustee Thayer Academy

8:00 PM – All five Planning Board members participated.

Chair Hamais reads the Public Notice into the record.

Mr. Cheal states they are here tonight seeking a Grading Permit for some multi-purpose synthetic turf fields. The fields are located in the northwest corner of the campus. They are proposing to come in and remove the top six inches of topsoil on site and export that, which would be about a 3000 cubic yard export. Then, they need to import 12 inches of gravel. They will do a ten inch layer of a two-inch gravel, and on top of that they will put a two inch layer of smaller ½ inch gravel. That will be a 6000 cubic yard import, a net import of 3000 yards overall. By stripping the topsoil, we will be putting a stone base on an existing sandy loam layer. That will allow for improvements in infiltration over what exists today. Storm water will actually be able to percolate through the turf, through the stone layering and get into the soils. Six inches above the base layer, we will have a composite drain, which will act as an over-flow. That drain will ultimately flow into a few collector pipes that run along the perimeter and the center of the fields. Those collector pipes will then discharge into an existing pipe that was constructed last summer as part of the previous Grading Permit.

One of the items put together, as part of this plan, was a construction logistics plan. There were concerns with how Thayer was going to be bringing materials in and out of the site. As you may remember, Thayer Academy runs a day camp that can have 200 to 400 kids on any given week. What they tried to do was represent areas of the existing athletic fields that will be used by the day camp next summer, primarily the pool area, the softball/baseball field that was constructed last summer and the football field. Those are generally used on a daily basis by the students. When we looked at how we were going to get materials in and out, we took the approach from two different directions. To make the project happen, we are looking to start late-May. School will still be in session during that time; this bus drop-off will be active for school activities. From approximately May 15, we are proposing to come in from an existing access gate off Tremont Street. That will primarily be used for export, but they will start bringing material in once we have stripped all the topsoil and removed it. In the middle of June (probably June 13), we would switch and bring materials in off Hobart Street, using the bus drop-off location. We would cease using Tremont Street for major imports. By using these two points, we eliminate points of conflict between the trucks and kids on campus for day camp activities. We estimate that we will be bringing in about 20 trucks per day, similar to last year; they would be the 20 yard trailer dump trucks. Materials will be coming in until middle to late July. We intend to be done with the site prep for the turf by July 31st. We would be looking at probably 10 weeks of trucks coming in on a daily basis.

The storm water system that we proposed for this does not result in any increase in peak rates or runoff. As mentioned before, we are setting the fields on the existing sandy loam. Those loamy sands will percolate better than topsoil, so you will get less runoff and more infiltration into the ground. During a larger storm, we would have some overflow that would ultimately discharge toward Washington Street to Union Street.

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

Meredith Boericke, resident at 59 Hobart Avenue, has concern about the 20 trucks per day coming up Hobart Avenue for ten weeks with construction material and construction vehicles. When the first part of the field was being renovated last year, Thayer did not use Hobart Avenue as part of their entry and exit plan, and that worked out fine. Ms. Boericke is hopeful that this can be reorganized so that Hobart Avenue is not the main street of egress for these construction vehicles. There are a lot of kids on the street; it is already busy, noisy and congested. To have construction vehicles going in and out for ten weeks is definitely concerning.

Paula Lyons LaFavre, 25 Central Avenue, has concern that the new fields will now drain toward all the new drains and inlets that were installed last year on the existing fields. Mr. Cheal confirms that the new fields will ultimately drain to the same system that goes to Union Street. However, the construction they are using, where they are placing a stone layer on top of the existing subsoils, will allow more of the rainfall to soak into the ground than what happens today. There will be less volume coming out of the system than what exists today. Ms. LaFavre mentions that last year, when they were putting in all the new drainage systems, they blocked it off and reconnected it in the fall. Will that be disconnected while this project is going on? Mr. Cheal states there will be no reason to disconnect the drainage system. Ms. LaFavre questions that if this is approved and construction starts as planned (prior to graduation), the fields they are working on is where provisional parking is located for graduation. Where will graduation parking be located? Mr. Cheal states there were two provisional parking plans for the previous grading permit. He highlights on the plan where 60 parking spaces and 138 parking spaces would be located, outside of their limit of work for this current grading permit.

Paul Agnew, 37 Central Avenue, questions how adding runoff from the new area into new system down to Union Street doesn't add to the need for greater capacity. How are you going to monitor the ability of that system to function as we all hope and expect it will. Mr. Cheal states they are not adding anymore area to the system. These fields flow towards the stone wall they constructed last summer. With turf fields, when you remove the topsoil, which doesn't allow water to infiltrate as quickly as it could with these new athletic fields, the water can move straight through it, and the permeability rates are much higher. Natural sod is ½ inch or one inch an hour, much slower. The drainage layer or stone layer allows the water to hold in that stone layer and build up, so you actually have capacity to hold storm water. When they hit the underdrain, it acts as an overflow and skims the water off. The fields themselves are a storm water management system.

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Mr. Agnew mentions his second question, which was how will all this be monitored to make sure the system is performing the way it should. Mr. Cheal states with the turf fields, you will see if that is an issue. If water is ponding on the turf fields, you will notice that. That will be an indicator that there is a problem with the stone, and that will need to be addressed. On a routine basis, Thayer needs to inspect inlets, look for anything that may be blocking them or any sediment that might be building up, and then clean them out so that they continue to operate efficiently. Mr. Cheal clarified that there is an existing Operations and Management (O&M) Plan in place; this project would not relieve those responsibilities.

Michael Owens, Braintree Town Councilor, has a couple of concerns. One concern is parking. If you are familiar with that neighborhood, you know that parking is a constant issue especially during athletic events. It often affects the residents. This is somewhat of a pre-existing issue; this particular project may or may not add to that problem; however, this needs to be addressed and maybe have an offsite lot where parents can be bussed from. Councilor Owens main concern is truck traffic during construction. That is a big concern because the neighborhood is heavily populated with children and also a "safe routes to school" neighborhood. It is a heavily traveled neighborhood for children on their way to school. In order to maintain safety during this construction period, I would hope that a detail officer could be utilized to ensure the safety of any children or other vehicle traffic.

Mr. Agnew feels that both the Planning Board and Thayer are in a difficult predicament because on both sides of campus are neighborhoods. He hopes it doesn't come down to a choice between one street or the other. This is a worthwhile project, and everybody will benefit from it. There is inevitably some disruption.

Member Joyce asks what the new fields are replacing. Mr. Cheal states today they are used for soccer, lacrosse, and baseball. Member Joyce asks if there is generally the same configuration. Mr. Cheal clarifies in the proposed condition, they will provide for soccer, lacrosse, field hockey and JV baseball. Member Joyce refers to finishing construction on the other half of this area and asks if that is 100% complete. Mr. Cheal states it is basically punch list items at this point. Member Joyce asks, during construction of those fields, for the material that was removed and brought in, what was the route of traffic for that project. Mr. Cheal states for that project they were able to bring trucks in off of Central Avenue, in between the Operations Center right onto the construction site. That entrance cannot be used for this project, as trucks would be crossing areas that are used for the summer camp. Member Joyce asks, is it feasible for construction vehicles carrying the weight they would be carrying to drive over the turf

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fields? Mr. Cheal feels it would create a lot of damage to what was constructed last summer. Member Joyce asks if there isn't any sort of protective composite that could be put down to allow for truck traffic. Mr. Cheal states not that he has run into, but even if there was, there is still the safety concern of putting trucks in the middle of a summer camp. Member Joyce noticed in the grading report there was some potential for rock to be encountered; did you encounter any rock on the other field work that you did? Mr. Cheal states that on the other field, there was a boulder dump that was found; the rock had to be broken up on site and it was done by jackhammer. Mr. Cheal confirms that they would use similar method if rock is encountered and they would not be using explosives. Member Joyce asks if there is any issue with drainage today. Mr. Cheal states there is a small area, low spot that you will see occasional ponding, but in general the fields are sloped for positive drainage. Member Joyce asks if there are any concerns with the under layer of the system intercepting ground water. Mr. Cheal stated that they didn't encounter any ground water, and they ran close to 20 geo-probes. As they are removing the top six inches, the underdrains are going to be at existing grade. Member Joyce asks if there was any existing vegetation that was being removed as part of this work. Mr. Cheal advises that they have called for selected pruning around the perimeter of the field; there may be one tree that gets impacted that may need to be removed. If that does have to come down, there is commitment to provide three new trees. The trees in that area are mature. Member Joyce opens discussion related to accessibility issues between the fields. Mr. Cheal feels that turf surface is accessible, but he has emailed back the ADA Coordinator, Kristen Zechello, asking to review overall accessibility on campus. Member Joyce refers to Councilor Owens comments on parking. Mr. Cheal feels the program is not going to change with these fields; it will still be the same sports schedule.

Member Mikami expands on Member Joyce's comments. He had assumed that the first grading permit was the only grading permit and was not aware that there would be a phase two. He further states one of the most contentious things during the first grading permit was related to where the trucks come in. Member Mikami asks whether Central Avenue as a truck entry was successful. Mr. Cheal felt it worked on the last project simply because the construction happened where they were able to come in; the summer camp activities happened north of where they were working. They don't have that fortunate condition is this project. Member Mikami feels it would have seemed like better planning should have occurred if Thayer knew there was going to be a phase two. Mr. Cheal feels it is a geographical issue that would have occurred whether it was phase one or phase two.

Bill Stephenson, Business Manager at Thayer Academy, states they are trying to divide the whole scheme into two pieces. If they did it all at once, they wouldn't be able to have

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a summer camp for a whole season, which would be a problem for both that summer and the continuity of the program. They are tightly constrained on campus, and could not provide for an internal road. They are doing the two fields together this year, even though they did not have money in capital budget to do two fields, to prevent future disruptions. Member Mikami discussed how it required working together to come up with solutions last year. Mr. Stephenson said it was a big learning process regarding the truck traffic last year. He expressed that internally they had been trying to work out the best solution for this year's project and that they are willing to add staffing or whatever might be considered helpful in managing it safely. They are willing to have a discussion with the neighbors. Member Mikami states, besides the drainage issue, the temporary trucking traffic is the next concern. Member Mikami asks when the start date is for the contingency parking plan. Mr. Cheal states that it is already in effect.

Member Eng with regard to truck movement in the neighborhood, if the trucks come in on Hobart Avenue, why does it have to turn around and leave on Hobart? Why can't it turn on Lakeview and leave on Tremont Street. Mr. Cheal states it could, but when they put the logistics plan together they thought get it in and out the same way. There is no turning radius to prevent that. Member Eng states you have heard from the neighbors; you can mitigate this by having the trucks come in by Hobart and leave by Tremont; that would cut half of the truck traffic on one particular road. Are you willing to do that? Mr. Stephenson states that continuing up Lakeview might be a shorter route rather than leaving by Tremont. Member Eng is suggesting this so that the trucking burden is not on just one street. Mr. Cheal states they have no issue with that. Member Eng asks if the parking they have will handle everything that will be scheduled. He would ask Thayer to look at parking needs for events coming up to make sure they are capable of handling those needs. Mr. Stevenson states they haven't addressed the parking on this project because they are not doing anything to effect the existing conditions. They are just replacing two fields with two fields of a different material.

Member Reynolds liked what he heard about gravel subsurface underneath the turf field. That addressed one of his concerns about increased runoff. Member Reynolds clarified his understanding of field and material used and confirmed with Mr. Cheal that his assessment was correct. Member Reynolds further discussed ongoing monitoring of previous project and his feeling that this project should have comparable success. On the control measures for traffic, he liked the ideas that came up from Member Eng, and he liked that Thayer was open to meeting with neighbors to discuss potential solutions for truck traffic.

Member Reynolds **MOTION** to continue the public hearing to April 12, 2016 at 9:00 PM; seconded by Member Eng; unanimously voted 5:0:0.

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PUBLIC HEARING

Special Permit(s) and Site Plan Review –
Town of Braintree c/o Mayor Sullivan and BSC Partners LLC
128 Town Street (Braintree High School Property) – (PB File #15-19)

Present for the Applicant:
Mayor Joseph Sullivan
Councilor Charles Kokoros
Scott Lacey, Attorney representing Applicant
David Boucher, BSC Partners
Paul Brooks, BSC Partners

8:40 PM – All five Planning Board members participated.

Chair Harnais reads the Public Notice into the record.

Mayor Joseph Sullivan expresses appreciation to Chair Harnais and Planning Board Members for their volunteerism, as well as to staff for their daily work on behalf of the town. Mayor Sullivan notes that Councilors Kokoros, O'Brien and Bowes were present as well as members of the School Committee, Lisa Heger, Kate Naughton, Cyril Chafe, Dave Ringius. Also present are Nelson Chin, the Town's Recreation Director, and other interested neighbors to the project.

Mayor Sullivan was last here regarding this project in August 2015. Both times that the Mayor has been before the Planning Board were regarding Petersen Pool and the current proposed project. He recognizes that the Planning Board has a responsibility in terms of Special Permit to allow this project to move forward, and he further recognizes that the Planning Board is a very thoughtful and deliberating board. He appreciates the Planning Board's attention to all the details being presented. He feels there is no expectation of a vote for this evening.

The Mayor provides background by stating the Town of Braintree is a co-applicant as the town owns the land, public land of approximately 6 acres, known as the Carson Field at Braintree High School. As the co-applicant, the Town is here in conjunction with the private developer, Five Capital, the other co-applicant for this project, who would build this facility. The facility is 157,000 SF with two skating rinks and the Petersen Pool. That is the \$1.5Million donation today from August Petersen, who back in 1964 gifted the town \$65,000. For 50 years, the siting of this facility has been a topic of discussion in the Town of Braintree. We thank Captain Petersen for his generosity. My hope is that we will be able to achieve what he aspired to, which was to have a place where the community could swim. In addition to that, we have added two ice skating rinks as well as an indoor facility associated with all around, multi-use sports. The project allows for the community to get very good rates, community swim times, and community skate times. It will be a huge benefit to the community at large, but more specifically to Braintree High School athletics and community youth sports.

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Mayor Sullivan wants to point out that he and Councilor Kokoros had hosted a neighborhood meeting. There was also a meeting upstairs with the Zoning Board of Appeals, which will continue with regards to parking on March 22nd. There have been updates with the School Committee, which will continue on March 21st. There are many conversations going on as we define specifically some of the challenges associated with this site. Mayor Sullivan realizes, in talking with Director Stickney, that there are some legitimate, appropriate concerns that will be brought forth over the course of the next couple of meetings. He wants to underline that there is no expectation for any movement on this tonight. Their hope is that, as you look through this, we can come to remedy of any of the challenges that may exist. Like any project, this deserves a process; the Town of Braintree needs to be deliberative in this process, making sure that we are following the guidelines that are established for all in terms of applications and the public process that ensues when filing that application.

Mayor Sullivan recognizes that some have concerns about this project, and he appreciates that. He will say that this project is one that will benefit the community of Braintree for generations to come. Some might think that his a little dramatic, but it is his belief. He believes that this facility, done properly, sited properly, mitigated properly, and addressing all the challenges associated with it will, in fact, be a huge benefit to our community. He understands that when you look at a parcel of land and there is a buffer that needs to be maintained and there are some traffic patterns that need to be managed, those are challenges that we should perceive as good challenges in that we can look at ways in which to manage and site this facility, understanding that siting this facility will, in fact, be a huge benefit for our community. He feels this is an important and exciting project.

Charles Kokoros, District 1 Councilor, states that there was an informal meeting to introduce this pool/rink proposal. All neighbors and abutters were invited. There were some questions. This is the first formal presentation. As a past coach and as a parent to teenage boys, I understand the need for a facility like this. It has been a great partnership. Councilor Kokoros understands that the Planning Board has an obligation to review drainage, traffic, parking, etc. As District 1 Councilor, Councilor Kokoros will try to work with the neighbors to mitigate everything that comes forward with regard to concerns. This is a historic project, which required many steps, legislation, proposals, joint meetings in order to get to this point. He recognizes that there are many projects on town property that the Planning Board has to review objectively, and he knows the Planning Board will accomplish that. Councilor Kokoros is in support of this project, and he feels this will bring great benefit to the youth of Braintree for many years. He hopes we can work through the individual details that need to be vetted out to make this work efficiently.

Chair Harnais clarifies that the concept of a pool and a rink was a concept brought before both the Planning Board and the Town Councilors. It was a concept that they all agreed upon. That being said, the partnership that exists between the Town of Braintree and the developers has nothing to do with the Planning Board. The Planning Board will

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look at every particular plan, whether it is an engineering plan, a traffic plan, or a parking plan, and the applicant will work with the Planning Department to provide all information needed, as required. Chair Harnais states that the Planning Board understands the concept; the Mayor has fought hard for this, has worked very hard to get a pool. Captain Petersen gave the money for that. Chair Harnais wants to make it clear that it is an emotional decision because everybody wants it, but it is the Planning Board job as a board to make sure that the ultimate product does not only fit the needs of the Town of Braintree today but it fits the needs of the Town of Braintree years from now. The Planning Board looks at this as a very favorable project, but the Board will not short-cut anything with regards to engineering plans, traffic plans or parking plans to get this done. Thank you.

Attorney Scott Lacey begins his discussion by thanking the Mayor and Councilor Kokoros for their introduction into this project. This is a sports recreational project that would be built. With Attorney Lacey are two of the principals, David Boucher and Paul Brooks, from BSC Partners LLC, as well as representatives from the engineering firm, the Traffic Engineer and the Architect for the facility. Attorney Lacey points out the aerial view of the proposed location. The building is 157,160 SF. Attorney Lacey points out where within the building the pool, turf field, hockey rink and secondary hockey rink would be located. The height of the buildings are a little of 49 feet and a little over 42 feet respectively. He highlights renderings of how the entrance would look for proposed facility, proposed new parking, proposed entrance off Granite Street, inclusion of ten handicap parking spots. Further highlighted are interior depictions of the facility, as well as the proposed accessory uses. The green hatched area is the indoor turf field; it would have a full size diamond that could be used for softball and/or baseball. It would have 90 foot base paths and 60 foot mound. It could be used to fit indoor soccer or indoor lacrosse. He shows where main hockey rink is located, with seating, concession stands and secondary ice rink. Both ice rinks are NHL size so that they could host MIA events as well as adult league. The proposed pool area is a 25 yard pool, which is in compliance with State dimensions to be able to host State Meets. Attorney Lacey highlights the accessory uses and food offerings of concession stand. The lower level contains locker rooms; there would be devoted locker rooms for the Town's use, as well as other general locker rooms for other users of the facility. He highlights "Family Entertainment Area" to be used by accompanying family members.

Attorney Lacey points out proposed turn around area off Granite Street, designed to show distance of facility to zoning boundary line as well as the structures that are closest to facility. The closest structure, which is a garage, is located off Granite Street. It is 89 feet and 9 inches from the corner of the building. The closest house is about 168 feet off Granite Street. The houses along Andersen are over 250 feet away. The closest house in between Town and Granite is 180 Feet to the corner of the facility. The proposal is to keep as much as possible the tall vegetation along the buffer zone, including areas in the front, and to propose additional screening. The screening would include a fence that would run along the property line, as well as other plantings that basically fills in from a visual screening standpoint and blocks the view of the building from the Andersen Road side. There have also been landscape plans submitted

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showing additional vegetation along the entrance and in the parking areas, both for aesthetics and to help screen the facility.

Attorney Lacey shows elevation drawings of the facility. The tallest roof is for the field house and measures a little over 49 feet. The second ice rink, which is closest to Andersen Road, is a little over 42 feet. Additional, mechanical items such as generators will be stored inside the shells and will not be exterior to the building from a noise consideration. Part of the materials submitted included a Traffic Report. Staff has requested that additional traffic counts be provided, and they are in the process of doing that. Additional counts were taken over the past weekend. This information will be supplemented to the Board. They will also be supplementing information with respect to parking. As indicated, the proposal would focus on the parking lot that is in between the high school and this facility, as far as the main parking area. One of the things they are working with is the fact that there is an ebb and flow to the parking needs at this type of facility. Because it is mainly a youth facility, parking needs would ebb during the school day. That is also the case with tournament needs vs. youth sport needs. They are currently working on this in conjunction with the town to correlate what the school's usage pattern is. Attorney Lacey's presentation is concluded providing the Planning Board the option of other presenters or opening discussion for questions.

Member Reynolds asks Director Stickney, from a documentation standpoint, where do we stand? Director Stickney confirms that there is additional information forthcoming; however, Planning Board members have everything that has been submitted with original application. Member Reynolds asked for clarification on most recent traffic counts that were conducted.

Chair Harnais confirmed that traffic study was done during the week and information would be coordinated with Planning Department in a meeting. He suggested setting time for meeting at the conclusion of the Public Hearing. Applicant was in agreement. Chair Harnais referenced outstanding engineering issues and requested that a meeting be set up regarding these issues with at least one member of the Planning Board. Applicant was in agreement. Chair Harnais clarified that this was being requested because, although everyone wants this project to succeed, he wants to make sure every time there is a question, that there are answers. The quicker we progress with meetings, with regards to answering questions and doing studies, the quicker we get this moving forward and providing the citizens of Braintree and the Mayor a good product.

Chair Harnais opens the discussion up to the audience for any questions or comments.

Alan Flowers, 48 Fallon Circle, not an abutter but a close neighbor, states that he is opposed to this project because of the immense size of the project. It is too big for the lot that is there. He states that there are going to be many users of the development that will be coming in from outside Braintree, so it is not just Braintree residents that will be using this facility. He is concerned with traffic coming through Five Corners to get to this facility. As we all know, Five Corners is at capacity now. Times when this facility will be

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used are going to be right during peak rush hour periods. Mr. Flowers is glad that an additional traffic study is being done because the original traffic study in the packet was done in June, which is totally inappropriate for an ice rink that would be used during winter months. With regard to parking, parking at the high school now (having four kids going through the high school) is barely adequate when there are a couple of events going on at the current time. With this facility, I believe the net number of new parking spaces is around 50, and this new facility is going to be using the same inadequate parking that the high school has now. Another point is related to the water. Mr. Flowers states that we do not have enough water in the town now, and here we have ice rinks that will be using water, especially with the other project going on in the town like hotels. As a matter of principle, Mr. Flowers does not know how the town can ask itself for relief from its own bylaws. He questions what hardship is taking place. He feels that the handicap and bus entrance on Granite Street is an accident waiting to happen. At the very minimum, I would ask that to be looked at to see if there is something else that can be done because buses moving in and out on that little access way does not look good. Mr. Flowers asks that these issues be taken into consideration and thanks the Planning Board for giving him an opportunity to speak.

Michael Owens, Braintree Town Councilor, rises in support of this project although he understands that it has a long way to go with a full review by the Planning Board. As we progress, he hopes that the developer can meet with local building trades and together a partnership can be formed that would contribute a small portion of wages to our local sports teams. Councilor Owen knows that the trades are open to this idea and supportive of such a partnership. These types of partnerships are crucial to the town. Through this project, Councilor Owens feels there is a real opportunity to form a partnership between the developer, the trades and the Town of Braintree.

Joan Tafe, 88 Town Street, opposes this development because of the size. She does not believe this is the Petersen Pool project. The pool is dwarfed compared to all the other construction that is going on here. She feels the traffic will be greatly impacted on Town Street, which already supports a huge amount of traffic during the school day, but they do get respite on the evenings and weekends and in the summertime. To have this facility opened 19 hours a day will greatly impact the traffic on the street. There are a lot of young children on the street. I am very concerned for my grandchildren and other children on the street.

Stephen O'Brien, Braintree Town Councilor, 63 Pilgrim Road, rises in support of "a project". Councilor O'Brien's grave concern is due to the traffic. He questions why we need two more rinks, in the town, when he believes there is another school in the town asking to put up a rink. That school is not a public school, but if they are getting a rink, why do we need an additional two rinks. This is a private institution that is going to run this on public land. Councilor O'Brien questions whether the project itself could be scaled back. He is sure this is a funding issue, but questions why the rinks will be NHL size. He would like the pool to be Olympic size since it is supposed to be the Petersen Pool and not the Petersen Rink. Councilor O'Brien is in support of a Petersen Pool, but he is not sure he is in support of the size of the rinks vs. the current size of the pool.

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Lyn McPhail, 10 Taylor Street, feels that for non-athletes, the swimming pool is something that most people can use. She feels hockey is a sport that maybe the larger general public might not do. When she saw the boards and how small the pool was, she was surprised. She feels diving might also not require as much athleticism and appeal to the broader general public. She suggests this be looked into.

Chair Harnais reminds the audience that this matter will be left open. There will be an opportunity down the road to ask questions or make comments. Chair Harnais asks the Board to determine whether to pursue questions now or wait until additional information is provided.

Member Eng states, because more information is needed on traffic which seems to be a focus now, the Applicant needs to bring back more information. Member Eng mentions, in the traffic study already done, this is rated as a "C Condition". Member Eng hopes the Applicant can back that up with what they have done and what they are going to do because he is not sure the amount of traffic in this area condones a "C Condition". Member Eng feels it may be a good time to hold off questions and comments until the Planning Board receives more information.

Member Joyce agrees that it makes sense to wait on additional information and have meeting with staff to get everything more in line for next hearing.

Member Mikami asks for more information about BSC Partners. Who are you? What have you done? Have you done similar projects? Are you primarily real estate people? Please introduce yourselves.

David Boucher, one of the partners of BSC Partners, responds. Five Capital Management is his firm; BSC Partners is a single purpose entity that was created for this project in Braintree. Two other partners, Paul Brooks and John O'Leary, were present at the hearing; a third partner, Joe Fitzpatrick, was not present. They are currently working on a 140 acre project in Attleboro called the New England Sports Village. They have been under construction since September. It is a campus-style environment at the base of Exit 3 on Route 95. It is a sports complex that has four buildings and a hotel. It has a budget of \$53Million; the first phase, being \$16Million, is underway. Paul Brooks' background is construction for the past 30 years, building numerous fitness and recreation facilities, most notably at Holy Cross. Joe Fitzpatrick has been in commercial real estate for over 12 years. They collectively bring that experience together for this project. The focus of what BSC Partners is trying to do with this project is to create a community based project where new activities can be created. He respects that not everyone is an Olympic athlete, so they are trying to create areas in the building that can be used for siblings who might not be as athletic as other siblings. They are trying to create one location where numerous sporting events and youth activities can exist all at one time. That is what Mr. Boucher's development company is doing in Attleboro, in Braintree, and in looking at a couple other projects at the moment.

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Member Mikami states to be clear, besides Attleboro, you do not own or operate other similar facilities. Mr. Boucher confirms that is correct. Member Mikami asked what the budget for this facility was and whether financing was in place. Mr. Boucher states \$23Million, and structured financing is in the process at the moment. Member Mikami would find it helpful to have the business plan or vision for the facility to complement the engineering information. It would be valuable to have a complete picture on how the whole facility is going to be run—something for the public record that anyone can take a look at.

Chair Harnais asks for clarification on dimensions of the pool. Paul Brooks clarifies that the pool measures 25 yards X 25 meters, 10 lanes, with a cutout section for two spring-board diving areas—low springboard 1.2 meter. Chair Harnais clarifies if it meets a short-course standard or competition level. Mr. Brooks clarifies that a 25 meter pool meets NCAA and is competition level.

Member Reynolds recognizes that there is a plan from above view, but he would like more details on specifications, including acreage that is going to be covered by footprint of the building. Member Reynolds reiterates the importance of a timely response to requests for information, which lends itself to a more efficient process. He feels that this has great potential for the community, but he looks forward to seeing more detail on this.

Chair Harnais reiterates the need for the process being done properly and a good product being provided to the Town of Braintree and the Administration.

Member Reynolds **MOTION** to continue the public hearing to May 10, 2016 at 7:45 PM; seconded by Member Eng; unanimously voted 5:0:0. The applicant signed a mutual agreement to continue the public hearing.

CONTINUED PUBLIC HEARING

Administrative Hearing – Planning Board Fees -- Braintree Planning Board
MGL Chapter 40 Section 22F/MGL Chapter 40A Section 9 & 11/MGL Chapter 41
Section 81-Q

This matter is being continued without Testimony to the Planning Board Meeting on Tuesday, June 14, 2016, at 8:30 PM.

Chair Harnais entertains a motion from the Planning Board to continue Hearing for Planning Board Fees. Member Reynolds **MOTION** to continued; seconded by Member Eng; unanimously voted 5:0:0.

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NEW BUSINESS/OLD BUSINESS

Request for Minor Modification (Drainage)

**Attorney Derric Small, Applicant for the Property Owner –
340 Wood Road (PB File #81-10 and #85-50)**

Planning Director, Christine Stickney, states, if the Planning Board recalls, there was a billboard application on this property. As part of that approval, they had to make some minor modifications to the original Site Plan, which included some changes to a catch basin and relocation of a pipe, which resulted in installing a drain manhole. They are here tonight to briefly tell you what they have done. Hopefully, the Planning Board will agree and consider it a Minor Modification.

Attorney Derric Small, representing the property owner, begins the discussion. With him is Scott Faria from J.K. Holmgren Engineering. They are here seeking a Minor Modification to a drainage plan for the site at 340 Wood Road. As Director Stickney stated, it is requiring us to move a few pipes and add a few catch basins to the site. This plan is in conjunction with a ZBA approved billboard to be erected on the site.

Director Stickney explains the reason for this is the footing and the stanchion for the billboard is going in a drainage area, and there was a pipe that traversed through that. It has to be moved out and around the base now. So they have adjusted that, included a manhole and basically redirected it around the base. Chair Harnais clarifies that the Planning Department's recommendation is that it is a Minor Modification and not a Public Hearing. Director Stickney states they still need to come in after this action tonight for As Built approval for the original building, but this will be a Minor Modification to the plans already submitted.

Member Mikami asks what else they need to do. Director Stickney states for their 1985 As Built approval for the building (not anything to do with the billboard), there were less than 10 conditions. They need to add some hoods to the catch basins in the parking lot that were never done. Basically all the other conditions have been met, but this will be put on a future agenda for the Planning Board to review.

Member Eng asks Scott Faria to explain exactly what they are doing. Mr. Faria explains in detail, using the plan, how basically rerouting it to a drain manhole and from there it will discharge into the same detention pond. That way the footing for the billboard will not be on top of a drain pipe. There are no changes to the amount of runoff going to that detention basin. Member Eng confirms that the slope of the pipe is the same as before.

Member Eng **MOTION** to approve the Minor Modification; seconded by Member Reynolds; Vote = 4:0:0.

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**Endorsement of Covenant
Del's Way – Definitive Subdivision
459 West Street (PB File #15-01)**

No discussion was needed for this matter. The Covenant was endorsed by Planning Board.

Request for Discussion – Buker Estates (PB File #99-21) -- Norman Preston

Norman Preston, President of NT Development, and builder of Buker Corner Lane, which is directly across from 365 Liberty Street, makes his presentation. In doing an "As-Built", staff and the applicant have been doing a laundry list over the past several months. They have narrowed it down to two conditions that Mr. Preston is having trouble meeting. They are Conditions 35 and 37. It requires a statement from an engineer that storm water management meets the 2, 5, 10 and 100 year storm runoff. It goes on to mention that driveways are not included. If I had read the statement, at the time, I would have argued against it.

To provide an overview of the subdivision, Buker Corner Lane was approved in November of 2000; construction of the roadway was started in the Spring of 2001; the roadway was paved in November of 2001; all utilities were complete at this time. Home construction started at the roadway was being built and continued until the last of the four homes were completed. 20 Buker Corner Lane was sold; then, the economy took a severe downturn in 2006. At that time, only Lots 4 and 5 remained. Lot 4 is being held as surety for road completion. With the economy making a slow recovery, it was decided to finish the topcoat of the roadway in 2013 and move forward with finalizing the remaining items on the laundry list of Condition for Approval. The Applicant is asking the Planning Board to remove or waive Conditions 35 and 37 that deal with a Professional Engineer certifying that there is no increase in runoff from the site and yet it states "The Applicant shall not be responsible for drainage problems originating outside of the building lot and/or roadway/driveway." This condition is confusing and ambiguous. The system has already been approved by the Town Engineer, as well as this Board, with calculations submitted and approved by the Board. To further complicate this matter, the engineers that I have contacted are unwilling to work on this because it is someone else's project. He cites example of comparable plumbing issue. The drainage calculation program that was used in 2000 is a huge document. Staff agrees that it is a large document. No one uses that system. The Engineer on the project, Mr. Rosengrave, is in his late seventies and has moved to Florida. Mr. Preston has left many messages, with P. Rosengrave's in the state of Florida, and has yet to get any return phone calls. The system has been in place and up-and-running with no issues for 15 years and works fine. Again, I ask the Planning Board that Conditions 35 and 37 be eliminated, waived or eradicated and approve the As Built Plan. Mr. Preston recently had discussions with Bob Campbell and John Morse in the Town's Engineering Department, and Bob has said he has not heard any problems resulting from the subdivision in 13.5 years. Mr. Preston goes on to read portions of Bob Campbell's email.

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He further states that Hoyt Engineering did the As Built Plan, and it was certified that it is in general conformity with the original approved plan from this Board. The Town Engineer has asked that the two conditions be waived. Mr. Preston explains his belief to get majority of homes built before top-coating road to eliminate damage to the curbing and asphalt.

Member Joyce asks staff for their opinion. The Principal Planner states she has been on site (this was one of the first inspections she did 12 years ago). She has continued to work with Mr. Preston through the project until recently, and she can say she hasn't seen any evidence of failure. She further states that even if this was a new project and the Board instituted bonds and held things for a period of time, all of that would have already lapsed in this particular case. The test of time is what we would look to; if the system had major deficiencies, they would have happened already. The staff would support Mr. Preston's request, along with the Town Engineer. We do have the As Built Plan and the location of all the structures in the basin. Staff is of the opinion that those two documents have proven themselves, given the time period. Member Joyce asks if there will be a note on the plan that says "The Plan is in substantial conformance with the Plans". Mr. Preston has this and shows this to the Planning Board. Member Joyce agrees with the applicant; she also asks who ends up doing the operations and maintenance for that detention area. Mr. Preston believes it is the Town that maintains it. The vegetation has grown back and turned out beautiful.

Member Mikami feels it is positive to hear the Town Engineer concur. Member Mikami asks if these Conditions are waived do we have any other protections. The Principal Planner responds it is an above-ground open basin. If something is going wrong, it is going to be evident very quickly. It is a somewhat antiquated but simple design. Staff will be double checking the easement and reviewing conditions for maintenance. If there is something in the field or any need for cleaning the outlets or doing some trimming to get this in good condition for street acceptance portion, keeping in mind that Town Engineer and DPW are involved at that level, we can work together with the Applicant.

Member Eng confirms that the catch basins work very well with the roadway. If these As Builts are correct, they should flow right into the catch basins. Member Eng asks about one of the pictures next to Catch Basin 1 or 2 where in the sidewalk there is a wet area with an opening in the stone wall. Mr. Preston responds that is an over spillway in case those catch basins get clogged with leaves because they are at the end of the cul-de-sac. Member Eng's concern is with sediment entering that opening in the stone wall. How can that be prevented from happening? Mr. Preston states the previous Town Engineer, Mr. Fehan, suggested it. So far to date, neither catch basin has clogged nor has there been any overflow. Member Eng recommends filling the stone wall and slopping the side walk back into the catch basin area so there is no sediment washing into the opening the stone wall. Staff clarifies that these are all deep sump basins. At that point, if the catch basin is full, in order for that catch basin to start overflowing, that would mean the basin is full, the forebay is full, the pipe is full. I would hope that the sump is functioning at that point and that the sediment is in the sump. Mr. Preston states that if Member Eng wants him to eliminate the overflow that Town Engineer

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suggested, it wouldn't be a problem. Member Eng states, as long as the slope of the sidewalk goes back into the catch basin, it would be fine. Mr. Preston will look into it.

Member Reynolds confirms with staff that there hasn't been any kind of noted problem with the performance of the drainage system on that location. Member Reynolds further confirms that there hasn't been any documentation in the form of a complaint. Staff mentions that there were some issues that came up when she first started working for the Town with a neighbor on the other side. The only concern was relative to a question about the property line, and Mr. Preston took care of that right away. Member Reynolds asks Mr. Preston if this went before Conservation Commission when it was originally heard. Mr. Preston states Conservation was involved; there was a Conservation restriction placed next to Lot 6. Member Reynolds feels that it is reasonable to come to the conclusion that the drainage is working.

Member Joyce **MOTION** that the certification on As Built Plan is sufficient to meet the requirements under Conditions 35 and 37 based on recommendation by Town Engineer seconded by Member Reynolds; unanimously voted 5:0:0.

Approval of Meeting Minutes

Member Reynolds **MOTION** to approve meeting Minutes of February 9, 2016; seconded by Member Eng; unanimously voted 5:0:0.

Chair Harnais entertains a motion to go into Executive Session by roll call to discuss the strategy with respect to the following location: Total Outdoor vs. Braintree Planning Board. Chair Harnais has determined that this matter cannot be discussed in open session, and it will have a detrimental effect on the litigating position of the Board in these matters to have an open session.

Member Reynolds **MOTION to go into Executive Session**, seconded by Member Eng; a roll call is now done of all five members who vote "yes" to go into Executive Session.

After the conclusion of Executive Session:

Approval Not Required (ANR) Subdivision Plan

**Town of Braintree c/o Michael Coughlin, Applicant,
128 Town Street (Map 1042 Plots 1 and 2)**

No discussion was needed for this matter. Member Reynolds **MOTION** to endorse the Approval Not Required (ANR) Subdivision Plan; seconded by Member Eng; unanimously voted 5:0:0.

Member Reynolds **MOTION to adjourn** the meeting; seconded by Member Eng; unanimously voted 5:0:0. The Meeting adjourned at 10:40 PM.

Respectfully submitted,

Louise Quinlan, Planning/Community Development