

Department of Planning and Community Development

90 Pond Street

Braintree, Massachusetts 02184

Phone: 781-794-8230 Fax: 781-794-8089

Joseph C. Sullivan
Mayor

Christine Stickney, Director
Melissa M. Santucci, Principal Planner
Kelly Phelan, Conservation Planner

Braintree Planning Board
February 17, 2009
Town Hall – Johnson Memorial Chambers

APPROVED

Present:

Joseph Reynolds, Vice Chair Melissa Santucci, Principal Planner
Linda Cusick Woodman, Clerk
James Eng
Darryl Mikami

The Vice Chair called the meeting to order at 7:00 P.M.
Mr. Reynolds, Ms. Cusick Woodman, Mr. Eng, Mr. Mikami were all present. Chairman Harnais was not present.

New Business/Old Business

Zoning Board of Appeal Petitions – February 2009

For details please see Ms. Santucci's report dated 2/13/09.

531-533 Pond Street/MetroPCS Massachusetts LLC

For details please see Ms. Santucci's report dated January 20, 2009.

Attorney Ricardo Souza of the law firm Prince, Lobel, Glovsky and Tye, Sohail Osmani, engineer for MetroPCS and Mike Johnson positioning agent for MetroPCS were present to represent the applicant. Attorney Souza explained that MetroPCS launched its new wireless network two weeks ago. They are creating their network from scratch in Braintree to compete with larger wireless companies and are attempting to use existing structures for their installations. This area of town is very challenging as most structures in the area are very low. They found a method to modify the structure at 531-533 Pond Street fairly easily in order to extend the height of the existing tower by 10' [structure height of 94'] in order to install six panel antennae with an equipment cabinet at the base of the tower and are asking for a finding to alter a pre-existing non-conforming structure. The alteration is the 10' extension. In addition to the plans, he provided photo simulations with "before" and "after" views. Attorney Souza added that the character of tower will not change much. The area is fairly commercial in nature and, in fact, there are tall cranes at the end of neighboring RocSam Park Road. There is no other building in the area to accommodate their installation to fill their coverage gap. The only alternative would be to build another tower on RocSam Park Road.

There was very extensive and animated discussion about this particular site, its potential for telecommunications and previous applications before the Zoning Board of Appeal by other carriers.

Noting that approval of this request would extend the tower to 94', Mr. Mikami asked if another variance for height would be possible [yes] and what would building another tower entail. Ms. Santucci responded that the permitting process for a tower would be slightly different, a use variance from the Telecommunications Act for a commercial zone. Attorney Souza added that they feel it is best to utilize an existing tower rather than construct a new one.

Mr. Eng asked why the plans are not stamped by an engineer. [They will be before they apply for a Building Permit.]

Ms. Cusick Woodman, who previously sat on the Zoning Board of Appeal and is very aware of past ZBA actions on this site, had many concerns about this application. She asked about units fixed on buildings. [Those were requests by Omnipoint, T-Mobile and Cingular [now AT&T].

Ms. Santucci noted that her staff report includes analyses and suggestions to the ZBA, one of which would be that this request be the last allowed at this site. Individuals can always petition for approval, but it is the ZBA's prerogative to grant approval. She also explained about the evolution of the tower, noting that the "variance is for height and not for use." The use is pre-existing, non-conforming.

Ms. Cusick Woodman asked about the signal range, as there is a dead zone from Five Corners to the corner of Pond and Granite Streets, and why the applicant did not propose rooftop installations at Reservoir Crossing [614 Pond Street].

Mr. Osmani presented plans to the Board which depict the coverage MetroPCS is seeking. Mr. Johnson responded that he had considered the 614 Pond Street location, but the roofs are lower than the low spot on the tower and they are pitched and not appropriate for antennae. The analysis of the alternatives to 531-533 Pond Street are presented to the ZBA in the application packet.

There was considerable discussion about concrete pads. MetroPCS is asking for a 10' x 16' concrete pad for their various equipment.

At this point Ms. Cusick Woodman stated that she would like the Planning Board to make no recommendation to the ZBA, passing it back to the ZBA.

Mr. Reynolds asked if the concrete pad would impede access. Attorney Souza responded that MetroPCS would not be altering access and would not impede the Fire Department from access.

Members had questions about oversight for compliance with ZBA decisions.

Regarding the concern about the proposed ground installation and lot coverage, Ms. Santucci believes this does not require permitting and lot coverage would not be an issue because the lot is massive. She will look into the issues raised by Ms. Cusick Woodman, but would like to be able to send the ZBA staff's analysis even if the Planning Board forwards no recommendation on the proposal.

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Mr. Reynolds stated that he respects the opinions of Ms. Cusick Woodman, but is leaning toward sending a recommendation to the ZBA. Staff has provided excellent analysis which would be helpful to the ZBA.

Motion by Mr. Eng, second by Ms. Cusick Woodman to send no recommendation to the Zoning Board of Appeal, but leave the review to the ZBA because they have more information than the Planning Board. He wishes his motion to acknowledge that MetroPCS has made commendable efforts to make the equipment as non-intrusive to the neighborhood as possible.

[Mr. Reynolds asked if the Planning Board can offer commentary even if they forward no recommendation. Ms. Santucci stated that her analysis is straightforward and recognizes the applicant's intent to co-locate.]

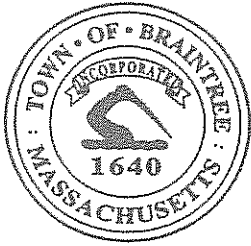
VOTE: 4/0

Motion by Mr. Eng, second by Ms. Cusick Woodman to adjourn at 8:35 P.M.

Vote: 4/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
February 17, 2009
Public Hearing @ 7:00 P.M.
Town Hall – Johnson Memorial Chambers

Present:

Joseph Reynolds, Vice Chair Melissa Santucci, Principal Planner
Linda Cusick Woodman, Clerk
James Eng
Darryl Mikami

49 and 59 Hayward Street/Tian Ann Temple
Application for Grading Permit

The Vice Chair opened the continued public hearing and read the list of correspondence [Items 12 through 25] from 1/6/09 to 2/5/09.

Motion by Ms. Cusick Woodman, second by Mr. Mikami to accept the summary.
Vote: 4/0

Gregory Tansey of Ross Engineering prepared the documents and plans and was present to represent the applicant. He indicated that the plans for the proposed project are the same as those presented at the January 20, 2009 meeting. They contain no alterations to the layout except minor items. He verified the stormwater calculations and responded to staff's comments about a rumble strip and site maintenance during construction.

Mr. Reynolds asked for clarification on the rates of runoff for the post-development conditions. Mr. Tansey stated that the rates for the post-development 2, 10 and 100 year storm events are less than pre-development. He conducted his analysis from two perspectives: what is discharging into wetland [to ensure standing water remained on site for mitigation] and what flow rate would discharge into the stormwater drainage system in Hayward Street.

Mr. Eng asked if his analysis includes how contaminants in the runoff from the parking lot would be trapped. Noting that the Conservation Commission did extensive review of this, Mr. Tansey informed the Board that Best Management Practices [BMP] require removal of 80% total suspended solids before discharge into the ground or a resource area. He has accomplished this

by providing a filter strip and detention basin. The parking lot contaminants will be captured by a 2' wide pervious pavement strip. Runoff will seep into pervious pavement and be filtered into various gradations of filter cloth and clean sands before being captured by an underdrain which will put it back into detention basin where will percolate through a sand filter and discharge into naturally occurring substrata. The design of the filters is prescribed in the Stormwater Handbook of the Wetlands Protection Act. The proposed system is very efficient and will achieve a rate in 90% range [significantly higher than the 80% requirement].

Mr. Tansey responded to Mr. Eng's question about how the system would be maintained by indicating that the sediments can be raked out of basin, that vegetation can be removed by hand and that the pervious pavement strip will retain the majority of the sediment. The Order of Conditions from the Conservation Commission includes a detailed protocol for cleaning and requires annual maintenance.

Mr. Eng asked about landscaping [See Condition 48.] and if staff had any concerns [All items in the staff report have been addressed.]

Ms. Cusick Woodman requested that the number of handicapped parking spaces be indicated on the plans. Ms. Santucci will have the applicant add a notation on the plans.

Mr. Mikami asked the number of vehicles the applicant anticipated needing to park on the street during activities. Mr. Tansey responded that he was aware that the temple had retained offsite parking for overflow conditions and Ms. Santucci stated that the facility meets the parking requirement for occupancy.

Responding to a concern voiced by Ms. Cusick Woodman regarding parking lot lighting shining on abutting properties, Mr. Tansey assured the Board that the lighting would neither shine on abutting properties nor impact abutters as the lighting "hoods" are very effective and the lights themselves are lower than the property line.

The Vice Chair interrupted the hearing to make an announcement about the 7:20 P.M. hearing.

Ms. Cusick Woodman asked if the security gate will be locked when not in use [Yes, and the Fire Department will have a key.], where they would store snow on site [Snow will be stored along the perimeter of the property and would be removed from the property if they had to. Snow from standard storms can be stored on site.] and if the lights would be on time clocks.

Discussion ensued about the hours during which the lights could be/should be on.

The Vice Chair asked

- For public comment: none
- For questions regarding grading permit: none
- For comment from individuals in favor of project: Mr. Joyce, an abutter, said he had spoken with the applicant's representatives and feel they have been very good to work with and that the project is a good one.
- For comment from individuals opposed to the project: none

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Public Hearing @ 7:00 P.M.

Motion by Ms. Cusick Woodman, second by Mr. Mikami to close public hearing.

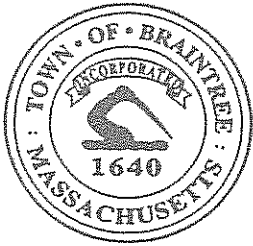
Vote: 4/0

Motion by Mr. Eng, second by Ms. Cusick Woodman to grant the Grading Permit with Conditions for 49 and 50 Hayward Street.

Vote: 4/0

Respectfully submitted,

Linda Raiss



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531-533 Pond Street & Rear Pond Street/RMT Braintree, LLC and McCourt Construction
Application for Major Modification to Planning Board Decision 93-4

The Vice Chair indicated that the hearing will be postponed.

The Vice Chair opened the public hearing and read the legal notice.

Motion by Mr. Eng, second by Ms. Cusick Woodman to continue the hearing to March 17, 2009
at 7:30 P.M.

Vote: 4/0

There was a Point of Order from a member of the audience who wished to ascertain that the hearing was not for the application by MetroPCS which was on the agenda under "Zoning Board of Appeal Petitions – February.

Staff assured the individual that only the public hearing to modify Planning Board Decision 93-4 was at issue.

Respectfully submitted,

Linda Raiss