



Department of Planning and Community Development

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Joseph C. Sullivan
Mayor

APPROVED

PLANNING BOARD

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

Braintree Planning Board – September 29, 2015 – Cahill Auditorium

Present:

Mr. Robert Harnais, Chair, joined meeting at 7:25 PM

Mr. Joseph Reynolds, Vice Chair

Mr. James Eng, Clerk

Mr. Darryl Mikami

Ms. Erin V. Joyce

Vice Chair Reynolds, called meeting to order and called roll call at 7:08 PM

Christine Stickney, Director

Melissa SantucciRozzi, Principal Planner

Jeremy Rosenberger, Zoning Administrator,

arrived at 9:00 PM for ZBA Petition

7:10 PM Presentation – Zoning Consultants – RKG Associates

Zoning Consultants are providing an informal discussion on zoning. In attendance are Judi Barrett, RKG Associates, Director of Municipal Services, Bob Mitchell, FAICP, Private Zoning Consultant, and Daphne Politis, AICP, Principal at Community Circle-Planning, Programming and Public Participation.

Judi Barrett from RKG, the organization that is in the lead on this project, began the discussion. This meeting is about getting input from the town. RKG is a small firm with offices in Massachusetts, New Hampshire and Alexandria, Virginia. Judy's particular expertise is with local government services; she does a lot zoning work and work with affordable housing. Bob Mitchell has done a tremendous amount of zoning work and is the co-author of an upcoming new Planning Guidebook; Bob is going to be working very closely with Judy on the drafting and redrafting. Daphne Politis from Community Circle is going to be heading up the public participation piece of this project. The main objective tonight is to start dialogue with the Planning Board, get some input on what is really bothering you about the Zoning Ordinance, what you really like about it, things that are priorities for you and to assure that the Planning Board is in the loop throughout this process.

Bob Mitchell created a form to get a lot of input from a large group of people and to structure the input for easy comparison. Tonight will not be the only time the Planning Board will have an opportunity to provide input; Judi requests that form be completed by Planning Board Members for feedback, which will be helpful to the project. The Zoning Consultants are working on their first major deliverable of the project, which is the zoning audit. This audit is a conversation piece on what they see so far. Bob Mitchell requests that to the degree that the form is used, it would be extremely helpful if you could be as specific as you possibly can be; please drill down to specifics – what don't you like? What is in conflict? What is missing? What needs change? Daphne Politis points out that the kinds of things that might be wrong could be quite varied; she refers Members to the fourth column for categories of issues such as language, policy issues, conflicting, out-of-date. Judi suggests helping them understand the nature of the problem and then feel free to state what you think would solve the problem or

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what would make the bylaw document a better document to use from a regulatory point of view.

Vice Chair Reynolds appreciates the guidance. Judi Barrett suggests tonight's discussion be kept informal and basically open the discussion to what are the big issues the Zoning Consultants should be focusing on. Vice Chair Reynolds asks the Board Members for their comments or questions.

Member Joyce has a question about audit. Can you easily explain how you audit? Do you compare document to itself and see where there are holes or do you compare to similar towns?

Judi Barrett responds by saying the first tier is not what do other towns do but does the ordinance or bylaw work for you? There are layers of questions, which range from: Can you navigate this document? Can a reasonable person find what they need to find? Does the format lend itself to finding information easily? Are regulations clear? Is language (terminology) current? There is a review for legality. Are things where they should be and are they consistent? How do review processes work? Some is purely technical – some gets into policy. They will segregate into classes – here are purely technical issues vs. policy issues. They will separate out levels of complexity to see how far town wants to go.

Bob Mitchell adds that the first cut would be the Zoning Consultants going through the bylaw and picking out things that we do not understand, things that are not clear, things that are a red flag or things that are missing. Then as part of the Consultants' conversations with Planning Board, Zoning Review Committee, staff, etc., what is that group raising as red flags. Then as they move forward, making sure everyone is on the same page, the Consultants can then bring in their experience with what other communities have done.

Daphne has heard Judi use the word "diagnosis" as well as "audit". That can help frame it also. Rather than compare it, let's do a diagnosis. What is wrong with it and how can it be fixed? As Judi said, there are two directions one is technical, the other is policy. Daphne will be looking more in the policy area to see, not only, what doesn't match with what is, but what could be and is that a direction you want to go in. If so, how do you tweak that zoning to help you get there. This will also involve the public.

Judi agrees that there will be public pieces that will be interwoven with the process. It is an interplay between what is purely technical and the policy side. Judi further states, once you start to clean up a bylaw, you invariably run into policy questions. You don't have a recent Master Plan here, so there will be a need to consult with the public, consulting with Planning Board and others to get some policy direction.

Member Joyce asks what is the timeline for this? Judi Barrett said they were told to assume a two-year timeline from the beginning of the project to completing it. Beyond the Council's

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adoption of the new zoning ordinance, is doing some training for Boards and staff on the new ordinance.

Member Mikami states he is no expert on zoning. However, he has a couple things to bring up. It is not simply the audit of zoning rules, but also implementation of them, which Planning Board participates in. Member Mikami's first issue is when zoning petitions come up, the Planning Board reviews and makes recommendation to Zoning Board. The Zoning Board is not required to take Planning Board recommendation. Therein lies part of the problem. If Planning Board does not have an impact, why are they looking at it? Second thing is from ethics stand point. He knows there are rules related to recusal and participation, but clearly whenever you have Zoning Board petitions, you are going to potential ethical violations or conflicts. How do we do a better job on that? Judi clarifies if he means conflicts on the Board; Member Mikami states yes. For example, somebody works with this one; somebody is a relative of this one. What is the updated standard on that? Impartiality is required. The third item is something that will come up tonight. It is what I call "exceptions make the rule". Tonight, for example, we have a case where a local school wants to put an athletic facility in a warehouse development. What they are trying to do is use a zoning bylaw to, in my opinion, potentially skirt a special permit process. By using the zoning bylaw, which is legal but has other issues, to what extent are we doing the best job that we can to protect public safety, students, traffic, etc. So, if it goes to the Zoning Board, and they are not used to dealing with public safety issues, how good or fair is that to everyone? Sure, it might be legal, but does it make the most common sense. This is a concrete case where I am very concerned that public safety is not being addressed. There is no incentive on the applicant's part to make sure that it is absolutely addressed. Does that mean that our zoning rule is failing us, or it is not the right application, or is this bigger than a simple review of the zoning rules?

Bob Mitchell responds to Member Mikami by saying that the consultants are going to be looking at procedures and how things work or don't work, what makes sense, what has people feeling uncomfortable about the procedures. That will cause us to look at both the criteria that is in bylaw or should be in bylaw to help avoid problems. For the consultants to get specific examples of cases that have come through either with Planning Board or Zoning Board or both, would be very helpful. On ethics issue, there are other resources that they can lead us to (such as State Ethics Commission) that can provide training to Planning and Zoning Boards and other local officials. There is the Citizen Planner Training Collaborative Program that provides training to Planning and Zoning Boards around the state. The State has ethics manual. We won't be directly responsible for rewriting the bylaw, but we will have recommendations or be able to direct you to other resources.

Member Mikami adds final comment that clarification on how the Planning Board should work with Zoning Board of Appeals would be helpful.

Jim Eng is in engineering world and manages projects for the public sector. Member Eng is concerned with constantly fighting legal issues and challenges to come up with best permit for

the proponent and developers to follow. There is a sense of balance of the good of the town and the good of the proponent coming before us. That is what we struggle with at our meetings. Some cases can become very emotional. He would like the consultants to provide their “lessons learned” from their years of experience. He is interested in what are pitfalls, how to avoid pitfalls, what are lessons learned.

Vice Chair Reynolds mentioned that there are a number of items that have been mentioned by board members that he has interest in as well. He has attended Planning and Zoning seminars and heard creative ways that other communities deal with issues, which offer great insight. Braintree is unique, in where we are located, from a transportation perspective with the highways that run through here, the major feeders off those highways. We also have the opportunity to leverage resources from a public transportation perspective. What this leads me to is that Bob Mitchell and I had a long discussion around traffic demand management. We have to find places for work force of the future and our living needs. Transit oriented development (TOD) is going to be key is providing solutions and making Braintree continue to be a viable quality of life destination. It will allow the community to be able to sustain a business base, a tax base that will contribute to the quality of life. Braintree is at the crossroad; we have a lot of traffic that goes through here. We need to look at mixed-use, parking requirements, reducing parking requirements, traffic demand management programs, staggered business hours.

Bob Mitchell certainly that topic is a national issue – traffic, parking and transit issues. There is a lot of experience with those issues. Transit systems like to see housing there because people use the transit. With these experiences and goals, TOD, mixed use, rules and regulations are crafted. It is good for community to start to think about this now because things are starting to change by the T Station. From the train station perspective, you have a lot of people that live south of Braintree that go through Braintree to get north of Braintree. How do you capture those people for jobs, entertainment, and retail? Thinking more broadly about what your options are is part of this review.

Daphne wanted to emphasize Bob’s point that it is a matter of first determining what your goals are and doing a study of what those demographic trends are and then capturing all that together. Some of these may be the way to go about it and some may not be. It is a matter of saying: what do we want? What do the trends look like we are getting? How do we do this? Then examine each of these and other options.

Vice Chair Reynolds agrees that this includes economic development and the vision of what we want to bring to the community. What types of businesses would draw the workforce that we are looking for? Vice Chair Reynolds has other items of interest, such as coordination efforts required such as permitting and approvals for complex projects. He has heard that this process seems to take so long. That would lend itself to a more efficient government permitting process. Another topic we need to delve into is climate warming. Creativity around permitting various properties that account or adapt. Another topic I would ask for us to talk about is uses –

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for example, parking. Smaller medical clinics, transportation networks around these facilities are a big draw. Braintree is one of those communities that draw those types of companies.

Principal Planner Melissa SantucciRozzi has discussed areas we need to look at with Judi Barrett and Bob Mitchell. Recognizing some of the comments from the board members tonight, her short list would be honing in on improving the village overlay districts, removing inconsistencies between various sections, providing consistency among sections, having uniform use tables, parking tables, items like that. We are in dire need of an inclusionary zoning ordinance. For a community of Braintree's size, with their demographic and their location, really warrants a variety of choices for housing for all people of all economic levels. That is something I would be a huge proponent of. Two of the main things that I pointed out to both Judi and Bob relate to housing – we are trying to encourage housing in the squares and our multi-family ordinance is in direct and complete conflict with village overlay, which those areas happen to be zoned. It presents difficulties from the planning perspective when people are presenting us with projects that we like and we want to see developed, yet they need 13 variances and special permits and site plan review, etc. One of the other sections of the bylaw that is non-functional is the cluster. The cluster development does not work – we do not use it. We have very few cluster developments in this community. With developable land shrinking and what is left having some constraints with ledge and wetlands, a strong cluster bylaw will really give the Planning Board and the Planners an opportunity to be creative with laying out parcels that are not just eating up acres and acres of land to meet minimum lot size and set-back requirements.

Vice Chair Reynolds recognizes the importance of providing constructive feedback to the consultants, which will involve an effort on the part of the Planning Board. He also thanks the consultants for this first opportunity to discuss this project.

Judi Barrett states getting feedback in either electronic form or handwritten is so important to them. Also, it would be helpful for the consultants to know what they can do to keep Planning Board in the loop on this project. It was agreed that Vice Chair Reynolds can report back to the Planning Board periodically, as he is working on the committee with zoning consultants.

Chair Harnais joined the meeting mid-discussion at 7:25 PM.

PUBLIC HEARINGS

8:00 PM – Continued Public Hearing

Billboard Special Permit/SPR – All 5 Planning Board members participated;

Total Outdoor, 290 Wood Road (PB File #15-08)

Planning Director Christine Stickney provides an update on where project stands. Total Outdoor, 290 Wood Road, has been before the Planning Board twice; this is their third meeting with you. We hired a Peer Review, Green International, for the project. They have been reviewing all the materials submitted; the applicant has been very cooperative in getting

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information to them. In your materials today, Green International has come back with their second Peer Review Report. I also gave you a staff report with four issues. We have not received anything from the Mayor's office as to the host agreement. In addition, we received a letter from Lamar in early September regarding billboard acquisitions of Total Outdoor. Attorney Taylor has also submitted a rebuttal letter on 9/28/15 addressing that issue.

Present for the applicant:

Lynnea Taylor legal representative for applicant Total Outdoor

Attorney Lynnea Taylor wants to start tonight's discussion where they left off at their last meeting with the Planning Board, which was the height of the proposed structure. As you will recall, there was concern about the height, and the applicant offered to conduct a height study where a crane was brought onto the property at the location of the proposed structure. It hoisted a metal beam frame that approximated the size of the sign face of the final structure. It was raised to various heights and photographed from the highway. The Board received the photos from that height study in a supplemental filing on September 16th, and included with the photographs is a map showing where the photographs were taken on the highway. Based on the height study that was performed and other research done since, the applicant has determined that they can reduce height of the billboard to 65'. There would need to be cutting or removal of some of the trees in that area, which you can see from the height study photographs. At 65', it is obstructed by trees on highway property. This would require permit through the state, but the applicant is confident they can obtain that permit and be able to reduce the height to 65'. Hopefully that will help address some of the concerns that the Board has voiced about the height of the proposed structure. At the last hearing date, there were also a number of issues raised regarding the safety of billboards in general and whether the height of billboards are linked to the safety of them. We have been able to provide to the Board a number of safety studies. The MassDOT has conducted a pilot program a number of years ago, but all portions of that study were provided to the Board. I did provide a couple of studies that I felt were most helpful, in hardcopy, but each of the board members should have received an external USB drive with additional studies from around the country. I tried to locate studies that showed that billboards of different heights were observed. Hopefully, with that information, some of the questions regarding safety can be addressed.

As Ms. Stickney has stated, the Peer Review consultant has everything that they need. If there is any other bit of information, I am certain we will be able to get it for them. Other than those issues, I would be happy to take additional comments from the Board.

Member Joyce states there were a lot of studies included and mentions the study pointed out in Ohio that has some heights associated with it. Ms. Taylor agreed that in the Ohio study they did reference the heights, but in most of the other studies, the heights were never referenced. Member Joyce states she is still struggling with the height issue, the safety and the distracted driving. Looking at the studies that were provided and just looking at images and not diving into

the technicalities, a lot of the billboards in the studies that were provided looked to be much more like the ones across the street from this, which are lower and more at eye level. With the Massachusetts Pilot Program, it didn't say the heights, do you know if there is any information about those? Ms. Taylor responds, not to her knowledge. To Member Joyce, 50' looks like the best height because it is in line with what people are used to seeing. There are some views where 50' is blocked, but 65' is kind of blocked too. I am trying to feel comfortable about height. Member Joyce is glad they are willing to come down to 65', but this location is the highest of all the locations along there. You mentioned some trimming that they would be allowed to do. Are there trees on the property that they could trim today that would impact the view or is it just trees on the state highway that impact the view? Ms. Taylor responds, the trees that are obstructing the view are on state property. There are no trees on the property of 290 Wood Road that the property owner would have control over. Member Joyce asks would they be able to remove the obstructive tree completely or would they just be trimming it to a level that would be agreeable. Ms. Taylor states that is not something that can be determined at this point in time; it is something that would be determined through the permitting process. Member Joyce wonders, if they trim the tree, could they be at 50'. Is it the same tree that is obstructing the view at 50' and 65'? Ms. Taylor states, there are more trees; it is a larger impact to the forestation in that area. Member Joyce states it seems like the view shot of billboard was looked at from highway only, is that correct? Ms. Taylor confirms it was just looked at from highway, as it was their impression from the last hearing that the concerns were cars on the highway looking at the billboard. Discussion continues between Member Joyce and Ms. Taylor related to concern of the radius of the billboard from such higher height and the impact on the neighborhood. Ms. Taylor states that at 65', it is below the limit of the bylaw.

Member Mikami supports Member Joyce's ambivalence about the height of billboard. He feels height remains one of the key issues; he appreciates that it was lowered to 65', but he still feels it is up pretty high and agrees with Member Joyce. What are plans for other ground signs on the property? Ms. Taylor responds the ground signs belong to the property owner; they are the signs for the businesses at that property. At this point in time, the property owner does not have plans to remove their advertising for the businesses at the property. Member Mikami asks if Ms. Taylor is familiar with the fact that staff has raised the issue that signs may not have been erected with appropriate approval. Ms. Taylor mentions that she spoke with Eric Erskine in Building Department, and the ground sign utilized by The FitFactory, the newer business on the property, was the original "as-of-right" ground sign on the property, and the ground sign utilized by F1 was permitted by what used to exist in Braintree, which was a Sign Review Board. According to Mr. Erskine, the F1 ground sign went through the permitting process through the Sign Review Board. Ms. Taylor offers to contact Mr. Erskine to see if they can get copies of appropriate permit; however, she mentions that Mr. Erskine did say there were difficulties in locating certain permits that were issued by that Sign Review Board.

Director Christine Stickney confirms the difficulty that Planning Department is having with Inspectional Service Department. She has asked for permits, minutes from meetings and information, and it has not been forthcoming. So, she would turn to the applicant and property

owner to provide that documentation. If they were done with permits through the Sign Review Board, the owner must have some information themselves. Director Stickney would let the Board know that Planning Department is told that this information is not available, so they cannot validate whether the signs are legal or not. Member Mikami encourages Ms. Taylor to pursue this and states that, as far as he is concerned, this is an open issue. Member Mikami's last issue is to ask: has there been any update with host agreement with the mayor? Ms. Taylor responds that they are still in negotiation with Mayor's office. She has reached out to the Acting Town Solicitor and Michael Coughlin to move those negotiations forward, but at this point in time she does not have an update.

Member Eng begins, in your write-up to us, you talked about various heights. If you were to cut down those trees within the state highway line, could you get the sign to be lower? Ms. Taylor responds that they do not believe the sign can be lower than 65'.

Drew Hoffman, Total Outdoor, responds to Member Eng's question. We don't believe we can go lower because of the on premise F1 signage because of the impact of the view shed. We have done extensive studies and believe that the on premise sign would impact the visibility of our off premise sign. Member Eng makes reference to the 45' Haemonetics sign, which he passes every day on his way to work, and confirms that, if applicant was able to cut down obstructing trees, they still could not lower their sign to 45' or 50'. Mr. Hoffman states that where their sign is located on property, the F1 sign is in front of it. Both Member Eng and Mr. Hoffman confirm that Total Outdoor wants sign to be above F1 sign. Mr. Hoffman continues, if there was a way of making it lower that wouldn't impede the visibility from the on premise sign, they would. They have done extensive studies that show that the 65' height is close to as low as they can go. The other reason Member Eng is asking is because, as he is driving down the highway, the amount of time I see the sign is longer when it is lower. So can you think about that as a factor of safety—keeping the sign lower so people don't have to raise their head or turn their head?

Director Stickney adds comment about existing signs on property. In a highway business zone, a ground sign has a 35' overall height. If there was some type of relief given to the signs on the property, by whatever entity at the time, was it given conditional on something else as to the number of signs on the property? This is where it is critical to know how those signs were permitted. The applicant confirms that the F1 sign has been measured at 35'. Director Stickney states that should have been a sign permit. It gets back to the issue that if they were all done with sign permits, then that information should be available. It is important because it is one of the criteria we are going to look at in the special permit findings. Ms. Taylor states that they will go back to all those issues with the property owner.

Member Eng has one final issue, in the Green International Affiliates letter to Ms. Stickney dated September 28th, it talks about some structural foundation review. Did you get a chance to review that and talk to your engineers about whether they have addressed a number of these issues? Ms. Taylor references Director Stickney's comments earlier about Green International

reaching back out to the engineering firm and confirming some of the calculations and drawings for the foundation. I think that is what they are trying to connect on right now. They should have everything that they need to get together. Director Stickney confirms that it was just a timing issue, where Green International's report was so late. In fairness to the applicant, the structural engineer did not have time to reply. Ms. Taylor confirmed that they only received the report yesterday.

Member Reynolds has one question on Green International memo dated September 28th. Director Stickney confirms that applicant really has not had time to respond to Green International memo, but she would assume they will be able to resolve it. Ms. Taylor points out one item, where it is indicated that they want to see a Shadow Study. Ms. Taylor mentioned that they have provided a Shadow Study some time ago both to the Planning Board Members and the consultant through the external drive. Director Stickney reminds Member Reynolds that is what they saw at the last hearing, but the Peer Review did not look at the USB. Member Reynolds directs a question to Director Stickney. On page 3 of Green International Report where they provide the grid for questions, review of comments, review of recommendations, the bylaw commentary about sign turned off between 1AM and 6AM, is that a conflict of our bylaws? Director Stickney confirms it could potentially be a conflict; she intends to discuss it with the Town Solicitor. Section 905 is the illumination section; they added language to that; however they did not amend that section. It talks about signs in general, and we need clarification from Town Solicitor. That was a good pickup by Peer Review that there could be a potential problem with the bylaw. One concern with height was casting light on private properties. Thank you for willingness to come back with a lower height based on what the studies had shown. Member Reynolds is pleased that they are moving in a direction with some "give and take". At this point, you have provided us with some good information. I want to thank Member Joyce, she had put together a study which she shared with the applicant, for the information she provided. Equally, the information the applicant has provided is also enlightening.

Chair Harnais states his concern is safety. There is no way to determine whether accident is due to reading a billboard, as many accidents are not reported. Chair Harnais and Mr. Hoffman have a discussion related to the safe zone of time for reading a billboard. Mr. Hoffman confirms that 1.6 to 2 seconds would be the safe zone; anything above 2 seconds is considered unsafe. Member Harnais asks, as the average person approaches the sign, how long will it take them to read that sign. Mr. Hoffman says 2 seconds or less. Chair Harnais continues when it switches, it doubles the time to read the sign. Mr. Hoffman mentions the State will not allow them to change the sign sooner than 9 seconds. However, Chair Harnais says if you are looking at the sign at 9 seconds, then it switches, you are looking at the sign for much more than the safe time period of 2 seconds. With the height of the sign, it becomes even more perilous and risky for people. Chair Harnais states that for every study that supports billboard safety, there are studies that question those studies. Ms. Taylor states that there are studies related to changing static billboard to digital billboard. They looked at accident rates when it was the static billboard and when it changed to digital. She can provide this.

Chair Harnais feels we have to agree with one thing, billboards are strictly meant for one thing - to be read; the time they look at the billboard is a time when they are not observing what is in front of them. The length of time is very important. When you have that double sign switching, even if you looked at both signs for the minimum 1.6 seconds, you have looked at the sign for 3 seconds, which is above the safety zone. He feels there is no way to prove that an accident was not caused by billboard.

Director Stickney states that it is obvious that we have some questions that need to be answered and the public hearing should be continued. She would like to recap, so that she knows what the board members are looking for. Regarding the discussion on the trees, can you delineate on your site plan what trees you would be eliminating? On the issue of the structural, at the lower height, I am assuming that everything stays the same including the foundation and the other structural elements. Can you have your engineer confirm that all structural elements remain the same? On the Shadow Study, did you have that looked at only at 75' or did you have it looked at for anything lower? Ms. Taylor states it was done at 75'; that would have shown the largest impact. The lower the height is the less of an impact. It shrinks that area. Director Stickney states obviously, we need to hear from Green International on the structural engineer, but that goes back to the second comment I made with a reduction on the height. Director Stickney confirms she will talk to Town Solicitor about the illumination section of the bylaw and more information is needed on the permits for the ground signs.

Chair entertains a motion to continue public hearing. Member Reynolds **MOTION** to continue Public Hearing to November 10 at 8:30, seconded by Member Eng – unanimously voted.

8:45 PM-Special Permit(s) and Site Plan Review – All 5 Planning Board members participated; Robert Cusack, 89 Hancock Street (PB File #15-14)

Chair Harnais reads the legal advertisement into record.

Present for the applicant:

**Michael Modestino, legal representative for applicant
Robert Cusack, Applicant**

Attorney Modestino begins by stating this is an application for a Site Plan Review. Mr. Cusack is a long time Braintree resident, and has owned this building at 89 Hancock Street since 2001. He is seeking a special permit in a number of different areas. Basically, he is seeking to convert office space on the second floor of his building to four one-bedroom, one bath residential units, each to be about 600 to 700 square feet. One of the units will have a loft that goes up to the third floor. The first floor will remain a mix of office, retail and personal service uses. Mr. Cusack has his real estate business on first floor. There is a hair salon; there is a barber shop. The building, itself, is within the general business district. Part of the parking lot is within Residential

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B District. I know that Mr. Cusack had submitted the application on July 24, 2015; he received a response from the Principal Planner, Ms. SantucciRozzi, last Thursday; Mr. Cusack did not have counsel until yesterday. He tried his best to answer some of the questions and concerns that Planning had. You have a revised site plan that has been submitted, and Mr. Cusack has tried to the best of his ability to respond to some of the concerns that the Principal Planner has about this contemplated use of the property. I think some of the issues he has been able to adequately address, and perhaps Ms. SantucciRozzi could explain some of the issues that she feels have not been resolved. Mr. Cusack is willing to work with the Planning Department to make alterations to the plan, as necessary. The areas he might be able to make amendments to would be the landscaping, which the Principal Planner is concerned with, and perhaps the lighting.

I would emphasize that Mr. Cusack had CPA office tenants on the second floor for a long time. They have since left, and the property has been vacant. I would suggest that this is a less intrusive use of the property. This is somewhat consistent with village overlay zoning district, even though it is not technically within that district. Michael Owens, the Councillor for that district, is here this evening. He is generally in support of this and would be willing to address the Board, if need be. He had suggested that the concept of the village overlay district is probably going to be extended down that Hancock Street corridor. In terms of whether this is best use of property, there are not really questions about the building itself. He is not going to do any major alterations to the exterior of the building. This is totally in the interior of the building. Most of the concerns that the Principal Planner had was with the parking lot. This is perhaps the best parking lot in South Braintree. It is a relatively wide parking lot; there are 28 spaces there now. I think there are 23 spaces that would be required for this use. At one time, when it was the Elm Ski Shop, there were 40 parking spaces out in that same lot. He is concerned about snow removal and storage. Last winter was a difficult winter, and this winter may be the same. He has to have adequate space to store snow and remove snow. He has to have adequate access into the property to get the equipment in there to take care of that. He is willing to put money into this building; it is going to cost about \$300,000 to renovate the building to do what he is contemplating. The units are going to be apartments that are going to be rented by lease. They are going to rent for \$1300 to \$1500 per month. We are looking at 1 or 2 people as renters, and not families; people that need to be located close to public transportation. He is not going to do anything with the Frederick Road side, the residential side. He has already invested a sprinkler system into the building because he did not want to have to face the problem of re-opening Frederick Road to do that. He has already invested quite a bit of money into the parking lot. The current users of the building that will continue using the building, the businesses—the hair salon, the barber shop, are fairly busy. People come in frequently for a short time; it is a high use area. He doesn't want to change the parking lot; he thinks it has adequate parking. He wouldn't want to reduce the parking lot to add more green space in the area. I know Ms. SantucciRozzi is concerned about the planters that are there. They need to be repointed. There needs to be some new plantings put in there. Mr. Cusack is willing to do that. In terms of other vegetation and trees, there are trees around the perimeter of the

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property. They are noted on the site plan. He is willing to remove any kind of diseased plants or trees that are out there and replace them with new ones.

In terms of lighting, presently there is a pole in the parking lot that he rents from BELD. That would continue. I just walked through the parking lot a little while ago; it is fairly well illuminated. There is soffit lighting on the building; he needs to restore some of that lighting. He is willing to put lights over all the entrances and exits to the building. He is willing to put a small light in the far corner of the parking lot where there might be some need for more lighting there. One of the other concerns was rear portion of the property. Mr. Cusack had a landscaper using that area up until a few months ago. Unfortunately, he left a lot of junk there, and Mr. Cusack has now cleaned that out. The only thing left there are a couple of dumpsters and two 55 gallon drums. He has CleanHarbors coming tomorrow to clean that out. He has a steel fence back there; he is going to move that and replace stockade fence, as necessary. The stockade fence is facing the residential area, Frederick Road. He is willing to have that stained and replace or repaired, as necessary. I think it is a low impact use of the property, and I ask you to consider it.

Chair Harnais first opens the hearing to the public for questions or comments; there were no comments. He then opens discussion up to the Principal Planner. Principal Planner Melissa SantucciRozzi has been working with applicant and did the review for his Zoning Board application three or four months ago. When he originally had come to me, I talked about cleaning up rear of property, trying to modernize it and soften it, while he is introducing a residential use to the site. In particular, I suggested trying to provide adequate landscape buffers. I understand he has a very large parking lot, and instituting landscape buffers would in no way reduce the number of spots. He's got almost a 40' wide aisle; typical two-way traffic is about 24'. There is plenty of room to create green beds for the trees that are, providing some curbing or curb stops, upgrade the lighting. The lighting that is in his parking lot is essentially a street light. We look to village overlay; those are the types of recommendations I have been trying to make with Mr. Cusack for several months. He has cleaned up back of the site. In anticipation of him coming in for his permit, I have attempting to make suggestions, but unfortunately, up until this point they really haven't come forward in the form of a commitment. I explained to Mr. Cusack last week that the site plan is the most important part of the project. The site plan is what the Planning Board will approve and become the record condition for the property. What he has presented is essentially an existing conditions survey that doesn't include the elements that Mr. Modestino spoke of earlier in this meeting. So, from the Planner's perspective and for compliance in going forward and for the "As-Built" process, it is very important for that plan to include the improvements that are going to be proposed so that they can be incorporated into any decisions. Then, it is easy for the Planner to work going forward to make sure that the improvements are being constructed in accordance with the decisions and the plans. I think that this is a good project. I support the use for the residential on second floor, and I look to Mr. Cusack to provide some improvements with regard to landscaping and lighting. I did make a comment about a curb cut off of Hancock Street that is a lot narrower than the parking lot when you enter into the site, and my comment was to tighten

that up and increase the landscape buffers. While I am very sensitive to snow removal, I don't think that will impede the access. The curb cut is huge on that site. Those types of improvements will go a long way in an attempt to rebrand the building and give it a fresh look in the area.

Mr. Cusack passes out photos on the existing site. Mr. Modestino states in response, he certainly understands what Melissa is suggesting. Mr. Cusack is not a professional real estate developer. This is a new project for him. He is trying to do the best he can; he probably should have done some other things along the way, but he is trying to rectify that now. I would add that he is willing to put in the necessary wheel stops in the parking lot, as has been suggested. He is willing to amend what green areas are going to be in the parking lot. His only concern about the entrance on Hancock Street was the safety issue – the sight lines. The planters that are out there now would not interfere with sight lines at all. His concerns were that, if we extended them further into the entrance, it possibly could interfere with those sight lines. He is willing to do whatever is reasonably necessary to get this project going and approved. He is on hold with his lender because he cannot get the financing to do this until this gets approved. He has invested a substantial amount of his own money to do this; hopefully, we can iron out the differences that we have.

Member Joyce states she thinks this is a great project for this location, so she is very much in support of the project. However, she does agree with Ms. SantucciRozzi's comments on the site plan. Where do you store snow now currently on the site? There doesn't appear to be an area that wouldn't be within these striped spaces. It may be to your benefit to provide more of a landscaped buffer, possibly to the south. You could shrink up this 40' aisle between the spaces so that you can have snow storage area and still have these spaces. Then you would be able to provide more of a landscaped buffer. The planner's comments are good ones, and I would hope that you could address some of those. With regard to the site plan provided, on the copy that we have it says "property line data compiled only- not the result of a boundary survey" what does that mean? Is it something of an on-the-ground survey or is it a more compiled nature? Mr. Cusack responds, there is a revised site plan that you might not have stating that I certify the property data is based upon field measurements. Member Joyce states she would just hope the information that you are working from and we are looking at, if we end up approving, is accurate to what's out there today. For your reference, for instance, on Frederick Road it's noted as "under construction", but it looks like there is a curb cut. In the Frederick Road view of the building, it doesn't look like there is an actual curb cut there. Mr. Cusack states that has been updated in the current plan; it was under construction at the time. Typically, we would like to have the datum be on the NAVD88 datum and not assumed datum, just so we could compare it to other record information we have. If you are going to be updating site plan, that might be something to include for our review. Generally speaking, I like the use that you are proposing, but I agree with the Planner that some improvements can be made to parking area to improve the aesthetics on that corner.

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Member Mikami states that he agrees with everybody; I think this is a good project. However, he agrees with the Planner and Member Joyce, in that when he looks at the material and drives by the property, what he sees is an opportunity, but he sees a lot of technical issues. As the Principal Planner said, the site plan review is everything. Member Mikami's suggestion is that this needs some professional help in terms of the site plan review. That would make it go a lot faster. These things are pretty straight forward, but you cannot simply say it is fairly well illuminated. It has to be reviewed by an engineer. There needs to be a snow removal plan. The village overlay is an opportunity to make this whole area great. The Mayor has consistently said that beautification is one of his top priorities, but I don't see a good plan here. In the past several years, for the projects we have seen, when we've said we like a good landscape plan, people have gone above and beyond. I don't see that here. There are a lot of things that could be done easily and more expediently if there is professional help. Again, I like the project; I endorse what Member Joyce and the Planner said. I am going to assume that drainage is okay. Village overlay for Hancock Street let's make it good. I would say overdo it on the landscaping end. This is an opportunity to make this great.

Member Eng asks, where are you proposing to put the snow. Mr. Cusack responds to the end of the lot—to the sides. Member Eng asks if you can still get into parking spaces 14 and 15 if you do that. Mr. Cusack responds those are proposed parking spaces right now. Typically the way it has been done for the past several years is pushing the snow to the sides and to the rear. Last year, we had to remove snow from the area. Member Eng asks, are you planning to make apartments handicap accessible? Mr. Cusack states that he is not. Member Eng refers to one of the photos handed out earlier in the evening where the planter has a shrub that is growing onto the sidewalk; this may be obstructing use of the sidewalk. Mr. Cusack states he will trim that. Member Eng states overall he thinks it is a good project, but suggest that Mr. Cusack pays attention to the details. Member Eng continues, if you can come back and tell us what you are going to do, I think there is a good chance that we will approve it in the future.

Member Reynolds agrees it is an excellent project for the site. It is adjacent to village overlay. Mr. Cusack included a lot of good stuff in his response to staff. It appears that Mr. Cusack is agreeable to the point that had been raised by the staff. Member Reynolds had one question; Mr. Cusack makes a reference paragraph H, on page one, regarding 135-702. Applicant has added the 10' buffer zone to plan to lot line abutting Residence B. The Principal Planner explains that, for Mr. Cusack's property, some of the property is zoned General Business and some of the property is zoned Residence B (about 1/3 of the parking lot). When you have those two zones abutting up against one another, it creates a requirement for a 702 open space buffer that would essentially be down the middle of his parking lot. Completely understanding this is an existing condition and would never require a buffer there, but as part of this review was going to include a special permit for the buffer zone and Mr. Cusack to make that a recognized valid use of that buffer zone. It does predate the language in the bylaw, but we have done this on other projects where people have come in and we have recognized existing conditions. Staff clarifies that they would not be required to install a 10' buffer in the middle of a parking lot, the only way to deviate from that is through a special permit. Staff is

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recommending that we would recognize that and grant a special permit if this project is approved.

Mr. Modestino clarifies that the property to the rear was recently rezoned as General Business and there would not be a need for a buffer back there. The Principal Planner confirms that the property was recently rezoned, but the parking buffers that she is speaking of are the ones in Article 8 that have internal landscape requirement and peripheral landscape requirements. Member Reynolds is wondering if, by adding in a buffer zone up against the fence or parking buffer, you are also providing an ample place to put your snow. The buffer would soften up the sight. The benefit is that you will not lose any critical parking. The sight lines right now are unobstructed. It appears to me that Mr. Cusack is open to meeting a lot of the commentary that was made concerning the landscaping and the lighting. Member Reynolds feels a lot better about the project after reviewing the latest documents from the Applicant.

Chair Harnais states his understanding is that the Applicant has made great efforts in working with Principal Planner in last five days. He has opened discussion up to public.

Member Eng clarifies with Principal Planner about whether she has started drafting conditions on this project yet. Ms. SantucciRozzi clarifies that this site plan, which was delivered today, cannot be incorporated into a decision in its current state. I would not be able to determine what is proposed. It is labeled existing conditions plan. I look to Mr. Cusack to submit a plan that reflects, in detail, existing landscaping, what is going to be removed, what is going to be added. Where is pavement going to be cut? Then, I would be able to draft the conditions and going forward we have something on record.

Member Eng **MOTION** to continue this until review of September 29 submission is complete and draft conditions can be provided at next meeting on October 13 at 8:45PM; seconded by Member Joyce; unanimously voted.

The Principal Planner clarifies that today, September 29, is typically the deadline for the October 13 Planning Board Meeting. In order to complete review and draft conditions, she needs everything submitted by the Applicant in final format by this Friday, October 2nd.

9:30 PM – Continued Public Hearing - Site Plan Review – All Five PB Members participated K.W. Braintree, LLC, 166-194 Forbes Road (PB File #15-13)

Present for the applicant:

Frank Marinelli, Attorney

Bob Karol, Hotel Developer

Ara Aftandilian, Development Team

Steve Chouinard, Project Engineer

Principal Planner Melissa SantucciRozzi states that Attorney Marinelli was here with Mr. Karol and Mr. Aftandilian in August. I was absent from that meeting. From the minutes and checking in with the Director and the Applicant, things went well. I was advised to go to draft conditions. The last few outstanding items that have been resolved were the offsite mitigation for landscaping on an abutting property; the applicant is also going to be doing some ADA accessibility improvements on Forbes Road. Also, we needed to tweak the final design on the drainage system, which I believe will be presented this evening. So, the staff has prepared draft conditions; they have been provided to applicant, and, to my knowledge, they are satisfactory to them.

Attorney Marinelli is pleased to appear before the PB on behalf of K.W. Braintree. With him is Hotel Developer, Bob Karol, the Development Team, Ara Aftandilian, and the Project Engineer, Steve Chouinard, from Allen & Majors. As the Board knows, we were here on August 18th. Just to recap, the Applicant has worked for over six months in the permit process to propose redevelopment of the site at 166-194 Forbes Road. Attorney Marinelli shows photos of the current condition of the site and the proposed elevation and landscaping. The proposed hotel development will demolish a sprawling 50 year old office building and construct a 140 room, six story Residence Inn by Marriott, a premium hotel brand. The redevelopment will also have a separate 7020 square foot restaurant pad. Although the site is highly visible from the expressway, the site has shape and topographical challenges, as the Board knows, which were presented to the Zoning Board in April 2015. The Zoning Board permitted the attractive six-story layout that is shown on the elevation, with red brick façade. Compared to what we have out there, it is a dramatic improvement in aesthetics. The Marriott will replace the old office building, which has a footprint of over an acre, approximately 47,400 square feet. The hotel footprint, by comparison, is just 20,606 square feet, less than half of the footprint of the existing office building. The need to go vertical with this premium hotel is based upon the topography of the site, which is about 60' lower. Attorney Marinelli refers to photograph that was taken from the parking lot of the AMC Theatre, where you can see that the elevation of that parking lot is about 60' above where the base elevation of the hotel is going to be constructed. The hotel, with brick façade, will look attractive against the drop of over 60' from the theatre to the base elevation of the hotel.

The shape of the lot is like an arrowhead. It is really just a three-sided lot, so that presented additional challenges. The applicant has done a good job at working with a site that has physical constraints and topographical challenges. In addition to the attractive premium hotel, with Marriott brand, there are other benefits that Braintree will recognize. First, a street scape will be implemented in this part of Forbes Road for the first time. That is about 5000 square feet of new landscaping separating Forbes Road, creating a demarcation between Forbes Road and the parking lot for the hotel. Right now, there is no separation; essentially, the parking lot just flows right out into Forbes Road. That is another tremendous aesthetic benefit in addition to the hotel façade. There will be hundreds of new plantings on the hotel property, as shown on Sheet 5B of the plans. The planting schedule shows a total of 38 deciduous flowering and evergreen

trees and a total of about 215 shrubs and over 700 perennials and ornamental grasses on this site.

Secondly, the Planning Department has been clear in requesting a continuation of the landscaping to the abutting property. The abutting property is the four-story office building (refers to photograph), which is adjacent to Logan Express. The idea was, if you are doing a streetscape, an aesthetic improvement to 166-194 Forbes Road, can you extend it down and at least design something for installation at 220 Forbes Road, the next property down. Attorney Marinelli refers to the diagram of what is proposed for 220; Plan C9 shows the installation of 12 deciduous trees, 116 shrubs and over 280 perennials at 220 Forbes Road. That is treated in Condition 44 of Ms. SantucciRozzi's report to the Board in draft conditions. So again, between the new landscaping and the new elevations, I have a dramatic improvement at this highway business zone site, where the hotel is a Use By Right.

Thirdly, there will be increased commercial tax revenue to the town, with this over \$30Million redevelopment in the highway business zone. Fourth, because it is a hotel use, there are additional hotel taxes that the town benefits from. Fifth, the zoning legend that our engineer has done shows you that the front yard setback from Forbes Road is currently non-conforming at 29' to the building. When this project is complete, the front yard will be conforming for the first time in decades, as it more than doubles to about 58'. Six, with the hotel development, the building coverage on the lot will decrease from an existing 25% building coverage to about 15%. Next, the open space at the site increases. There are drainage and storm water treatment improvements that our engineer, Steve Chouinard, can discuss if the Board has any questions. We have more parking spaces than previously at the site. The hotel use requires less parking than a 66000 square foot office building, which is currently at the site. Peak hour traffic decreases during the week day. The general traffic pattern of a hotel use is opposite than peak hour for office use. When office workers are coming in to the Forbes Road office area, generally hotel patrons are going out. When office workers are going out in the PM weekday, hotel patrons are generally coming back. In terms of the nearby Granite Street corridor and the sensitivity of that corridor, the traffic pattern is better than the office use. We have provided a plan that we were requested to do, showing improvements to handicap accessibility. Essentially, we have designed improvements in curb cuts that are not part of our property, but it has been requested as something that we were to look at, as the staff has addressed in Condition 68, where we would design these curb cuts from the site out to South Shore Place. We are providing a contribution to the town-wide, ten-year traffic management plan, which is required in condition 69. We have reviewed all 82 conditions, and all conditions are acceptable.

As a final note, KW Braintree continues to seek, through its real estate brokers, a quality restaurant for the 7020 square foot restaurant pad. Although this Braintree site is probably the most vibrant and visible from the expressway, as concerns any location on the south shore, KW's brokers have a grid, which Ms. SantucciRozzi has, that shows contact with 40-50 potential restaurants over the past six months. General market conditions show a lack of expansion among some restaurants. Then you have areas like Burlington, which has twice as much office

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space as Braintree and a supportive demographic. We do not have a restaurant identified for the pad at this time. However, we believe that the construction of the Marriott, a premium brand, will spur greater interest in the restaurant pad. As set forth in condition 58, when a restaurant tenant is identified, KW is required to submit the restaurant's identity, elevations, floor plans, and updated site plans to the Planning Board for your approval. There has been a lot of thought and discussion by staff in drafting these conditions. We believe a comprehensive job has been done by the applicant. The applicant informs me that they are under a third extension of the permitting period. I would ask your favorable consideration this evening on the draft conditions.

Finally, if you look at page 7 of the staff report, number 3 states that the applicant will present tonight the infiltration presentation. Steve Chouinard, the project engineer, has performed the requested calculations and determined the volume of recharge providing infiltration that he can describe to you and answer any questions. His report that was submitted to the Planning Department states that to mitigate the slight loss of recharge, which is about 161 cubic feet, a vegetated swale is proposed along the site's frontage, and condition 42 provides for monitoring that rain garden and the plant species.

Chair opens up to the public – no comments; Chair then opens discussion up to the Board.

Member Joyce states her questions previously were mostly related to drainage, and the applicant has addressed a lot of that in their revised drainage report. There is mention of a new infiltration area. Is that proposed as a bio-retention area or just a grass swale with a stone trench? Steve Chouinard states that they have changed it to a bio-filtration swale. We were originally just looking to do this as a grass swale, and the landscape architect got into it and we now have a landscape plan that accommodates the bio-filtration swale. Mr. Chouinard hands out details to Planning Board. We had originally looked at this as being a redevelopment with less impervious surface than originally was on the site; however, what we discovered when we were asked to look at this under storm water guidelines, condition 3 which talks about recharge, we actually looked at it as what we were covering and what we were uncovering. This is under the proposed conditions or future condition should additional parking be required. If we don't do that, we are good as we are right now. What we are actually doing is covering over good soils and out in the front we are uncovering less pervious. We did the analysis and came up with, if we have to build those parking spaces, we have lost about 161 cubic feet of capacity. The swale that we are proposing will accommodate that 161 plus another 80 cubic feet; we have increased the capacity of recharge on the site.

Member Joyce asks what is the entrance point for the swale. Mr. Chouinard responds that it is a break in the curb. Mr. Chouinard explains that the water would be able to go in through a break in the curb, and we are proposing to create a catch basin grate that is six inches above that. So it would hold the water, infiltrate and go through the catch basin and continue on. Member Joyce asks is that overflow basin centrally located on the swale or is it offset from where the water enters it? Mr. Chouinard responds that it is on the center of it so that it will enter, fill and

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then come over the top. Member Joyce likes the idea; however, her only concern for these areas is just maintenance, making sure that it is built as intended and making sure you are overseeing the construction. Mr. Chouinard plans to adjust the operations maintenance plan to accommodate this, as it was not accounted for in the first version. Member Joyce states the only other comment is related to doing improvements to the accessible route toward South Shore Place. Her thought remains that they don't really have a path into their development with the entrance that is closest to those improvement. If someone is walking from South Shore Place over to your restaurant, without cutting through the parking lot, they would have to walk all the way around and come down into the site. I don't know how practical that is. That is just an outstanding comment/thought for consideration. Everything else that Member Joyce was concerned about has been addressed.

Member Mikami asks could you go over your construction schedule in terms of how long is demolition going to take, are you to be taking out material, bringing it in, how long to construct. Where I am going with this is Logan Express is there; it runs every half hour. We don't want to disrupt Logan Express. Ara Aftandilian, KW Braintree, responds to Member Mikami. Obviously, the existing building needs to be removed; there is a modest amount of abatement that needs to be done, which is about a month process. The demolition is probably another month process. We are probably looking at 12 months of construction. So, from start to finish, I would estimate around 14 months. The good news on this site is that it is basically a developed site. There is not a lot of tree removal; there is not a lot of moving dirt around the site other than the demolition. The demolition is the most intensive use portion of concern. They are very conscious of not disrupting the traffic flow of Forbes Road. Member Mikami encourages the applicant to be a good new neighbor. Member Mikami asks if the parking covers the restaurant. The applicant responds, yes. Member Mikami's last question is related to signage. Are you thinking about having a free-standing sign or is it just going to be "Residence Inn" on the building? Mr. Aftandilian responds that typically Marriott will require a monument sign, which is low. There will not be a high sign on Forbes Road.

Member Eng asks how high the sign will be. Mr. Aftandilian is not sure at this time. Typically, Marriott gets involved and these hotels have just low monument signs. Member Eng wants to discuss parking. Is there a function room? Mr. Aftandilian responds there is only a small meeting room that would accommodate 12-15 people; there is no ballroom; there are no weddings. Member Eng asks about handicap accessibility if they wanted to go to the mall across the street. Mr. Aftandilian responds that they were asked to address the issue of providing handicap accessibility from the hotel site to South Shore Place, where there is an accessible sidewalk system already in place. They were asked to identify the areas that need improvement in order to do that kind of handicap accessible system. This plan shows the six areas that we have identified that need to be improved in terms of ramps for an accessible system to South Shore Place. There is some work to be done to do this; we have really just identified the locations; we would obviously have to go out and survey and prepare plans for construction at a later date. Member Eng confirms that you are not completely finished with construction plans. Mr. Aftandilian replies, no because it does involve going out and surveying

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each of those locations. Member Eng confirms that the Planning Board needs to see final construction plans for compliance purposes. Mr. Aftandilian requests that the Principal Planner provide a timeline for that.

The Principal Planner responds that this would be required prior to certificate of occupancy; also, they will be required to get final approval on design from the Town Engineer. Mr. Aftandilian asks that the Town Engineer concur that those are the locations that need to be addressed because they cannot do the design until they do a substantial survey.

Member Eng asks one last question to drainage person, Steve Chouinard. When you designed this bio-retention area, did you take into account the ground water off the edge of pavement coming down that slope may contain some oil, grease, etc.? How do you account for making sure this area gets cleaned out of those contaminants? Mr. Chouinard states there is a grass strip across the top of the embankment where it goes through the break in the curb, which will pick up the pollutants before it gets into the swale at the bottom. Member Eng asks how are you going to maintain the grass strip. Mr. Chouinard states they are going to modify the existing operation maintenance plan for how that is to be treated by landscapers, how it is to be kept clean, etc. There is a process for making sure that it operates properly. This will be very similar to a catch basin, except it will be above ground by about six inches. Member Eng wants to make sure it is covered in the maintenance plan.

Member Reynolds does not have any questions beyond what has been asked this evening; he thinks this is a terrific project. He is thankful that the applicant has taken the time to address the concerns of planning staff and planning board. It is a great use for site.

Chair Harnais wants to move this along. The existing building looks awful; it will add something nice to the view.

Chair Harnais entertains a motion to accept the correspondence from June 16, 2015 through September 29, 2015. Member Reynolds MOTION to accept the correspondence list; seconded by Member Eng; unanimously voted.

Chair Harnais entertains a motion to close the public hearing. Member Eng MOTION to close public hearing; seconded by Member Reynolds; unanimously voted.

Member Reynolds MOTION to approve project based on conditions, as provided by staff through September 28, 2015, as well as refined language in Condition 69, the items regarding ADA ramps, date of occupancy, design in accordance with recommendations or changes from the Town Engineer, and Condition 44 (landscape plan at 220 Forbes Road) being prior to certificate of occupancy; seconded by Member Joyce; unanimously voted.

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**10:15 PM ZBA Petition Recommendation – All Five PB Members participated
Thayer Academy and J. Hanflig, Applicants, 60-80 Campanelli Drive**

Present for the Applicant:

Susan Murphy, Counsel for Thayer Academy

Nate Cheal, Tetra Tech, who has worked on Site Plans

Jeffrey Dirk, Vanasse & Associates

Matt McGuerk, Athletic Director

Bill Stevenson, Business Agent for Thayer Academy

Susan Murphy, Counsel for Thayer Academy, begins the presentation. The original staff memo has shrunk down from many pages to just a page and a half, which we hope is a good sign that a lot of the staff questions have been answered. The remaining issues are mainly related to parking and traffic. Since we have our Traffic Engineer, Jeffrey Dirk, here with us tonight, we thought we would go to that first because that seems to be where most of the questions are. We wanted to point out first the changes in the site plan that we felt is responsive to the comments we got both from the staff and the Board at our May meeting. We have added six parking spaces. At the same time, in response to staff comments that they would like to see a little bit more pervious surface, some of the areas that were between parking spaces that were just going to be painted are now being turned into raised grassed areas. One of the other questions that came up had to do with pedestrian movement, lighting, sidewalks, those types of issues. There is a significant amount of lighting that has been added. There is going to be a clearly marked walking path for people to follow, as opposed to just wandering through the middle of the parking lot. Most of the focus in revising the plans was to focus on those safety issues. In addition, Nate met with Deputy Chief Sawtelle from the Fire Department. There was an email from Deputy Chief Sawtelle saying that he was comfortable with circulation. He had also said he wanted to keep the opening for public safety, but they were comfortable with a bollard and chain that could be a break-away. It would keep visitors from the Thayer Facility from wandering offsite. Those are from a site plan standpoint on the ground the changes that are being proposed to the site.

We still have on the table the parking generation calculations that were done by Jeffrey Dirk. There were some comments raised by the staff today. Jeffrey Dirk, Principal with Vanasse & Associates, the Traffic Engineers on the project, presents. The last time Mr. Dirk was here, there was discussion about the traffic study for the project. Traffic studies can be very mechanical. The areas that are more subjective, especially in this case with respect to the land use, are the traffic generation and the parking generation for these uses. Typically, like for the hotel presentation before, you can go into the ITE trip generation manual, look up what a hotel is, and generate some traffic for that. For this type of use, for hockey rinks and field houses, there is not a lot of data. The data that is available is more typical of a public skating rink, which is not what we have here. The way the traffic numbers are generated for project is based on how the end user is going to use the facility in terms of their scheduling of games and how they see the

site really operating. As you look through the traffic study, you will see how we came about the trip generation calculations for this project. Basically, we analyze two scenarios. One is a typical use day, which would be typical use of facility when there is not a hockey game. You have your practices going on in the morning and in the afternoon. Highlighted in yellow is what we expect the net increase in traffic to be on a typical day. You can see it is pretty inconsequential with just practices going on. It is the peak use day, where we are looking at having a hockey game at the facility. That is when they expect to have peak utilization at the site. The way these numbers are derived is not your typical go into the manual and pick out some numbers. The calculation is based on having two teams there, with a certain number of spectators. This is where it is subjective. It is engineering judgement. What you see in the staff report is a level of discomfort in terms of being able to say the numbers look reasonable. The request to have another professional take a look at it is reasonable. The only thing Mr. Dirk wants to point out is the expected use of facility, where we arrive at the high traffic numbers, is going to typically occur on Saturday when there is little utilization at the park. We did traffic counts over a 48 hour basis on Granite Street as well as on Campanelli Drive. It is very remarkable when you look at the difference in the numbers. You probably have somewhere around 3000 to 4000 vehicles on a weekday, and when you look at a Saturday, it is somewhere around 250. The same thing happens during the peak hours. Peak utilization at the site is typically after 4:00PM. The key thing on the site, this is a new piece of information that was provided to you at the last hearing, was to come up with a schedule of use, a traffic and parking management plan and a traffic monitoring program. Those pieces are a key to these traffic numbers. As you think about having another professional look at it, this is what a reviewer needs to provide feedback.

Switching to the parking numbers, it goes along with revisiting parking regulations. There are a lot of new uses, and some of the zoning regulations have not caught up. Another element is that this is a mixed use site. You have uses that are peaking at different times. If you look at a mixed use development, and you calculate the parking demands, it assumes that all uses are peaking at the same time. In reality, when you have a mixed use development, that is not really the way that the parking interacts. Communities are sensitive about not wanting to construct too much parking. The ideal thing is to arrive at a balance. You do not want to overbuild it because that results in unintended consequences of drainage, etc. What we presented in the traffic study is basically a shared parking analysis where we are saying that realistically from the way they plan on operating this site, the parking for both the warehouse that will remain and the rink itself is not going to peak at the same time. To balance out that parking supply, they have proposed a use plan for the site where they are anticipating that their peak utilization will happen as the parking demands for the warehouse are at a low level. It ensures that there will be sufficient parking for both uses on the site. Because this isn't zoning standard, as the planner had looked at it, the thought was that there needed to be a little more guidance in terms of looking at the numbers and determining whether they are reasonable. What we presented is what the industry standard is now for instituted transportation engineer's parking demands for warehouse and skating rink. For the skating rink, we have bumped up the calculation to correlate with what the traffic projections are.

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One other thing to mention in terms of the comments in the staff report, as we look at the use, there was a separation between the parking demand for the office component of the site. If you look at the individual parking demands for each component of the site, it assumes there is no interaction. The office component and warehouse component are really related to each other. Doing the calculation to separate the office parking demands from the warehouse parking demands overestimates the amount of parking because the office supports the warehouse. As we looked at a shared parking analysis, the warehouse calculations would actually include any associated office space that is related. If the office space was for stand-alone and there was no relation between the two, the calculations should be done separately. Attorney Murphy states that in the supplementary package that we filed on 9/17/15, two new pieces related to the parking that we provided in response to the comments behind Tab 6 is just general parking policies and rules that Thayer would adopt, which can be tweaked if we get comments, and that anyone else using the facility will have to adopt. The second one, behind Tab 7, which was developed with Jeff's assistance, is a special event parking management plan to respond to questions on unusual demand days.

Chair Harnais asks for the staff's report.

Zoning Administrator, Jeremy Rosenberger, recognizes that this is a large project, and for a large project to only have to go to the ZBA, because of the educational use, is a rare occasion. That is why we are taking this seriously and ensuring that the public, the impacts on Campanelli Drive are well addressed, as well stated in the latest report you see today. Related to off-street parking, we are in agreement that let's not build more spaces than we need to. However, one thing that still needs to be addressed is that one of these uses has been explicitly addressed in Zoning and the other isn't. We feel that there needs to be a variance related to this parking. You have provided a good justification for a start for the reasons of reducing the parking per zoning. We also feel that, because of the magnitude of the size of this project, a Peer Review or third party analysis to help guide us in this journey is definitely warranted.

Planning Director, Christine Stickney, states we do have a parking ratio of one space per thousand and a general office ratio. I understand Mr. Dirk's comments about the shared parking and the off-peak hours. Hopefully in our new comprehensive zoning we will address that. Unfortunately, we are faced with the issue right now of what we have in the bylaw and how to adapt it for this project. I think we figured about 280 spaces if we use our commercial/recreation ratio. We would have to figure out the remaining 190,000 square feet for warehousing combination office. That is why we wanted to identify the different uses going on in the building. Even though the games may be scheduled for 4:00PM or later, the facility still could have some use during the day. What would be the parking that you would need during the day when it coexists with the other uses?

Attorney Murphy responds that although it looks, on paper, like a large area, when you go inside, there is a receptionist and then a very large lobby or sitting area and a conference room with a combined 20 offices of which 12-14 are occupied. We only have, in the whole facility, 20-

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22 full time people working in this building. It varies only in the summer when we have college and high school students that come in and do some work with us.

Director Stickney states that although we are taking a snapshot in time as to how the building is being used, it has that capability of additional tenants, additional space in the future plus the 70,000 square foot +/- athletic facility. I can understand how you are trying to park for those events, but there is also going to be that daily time period that the other potential uses could be coexisting. I am not sure we have spoken to that as to what your needs are.

Mr. Dirk agrees that Director Stickney is correct. They did the calculation the opposite way that the Director is looking at it, which was taking the use that is there and adding what the demand would be for the rink. He agrees they need to do an additional calculation. Director Stickney thinks it would help because you are asking for the zoning board to set a parking ratio which works for you now, but doesn't answer the town's questions about what may happen in the future. Jeff Dirk agrees that they need to do the calculation she has asked. Attorney Murphy reiterates how calculation will be done and brings up point of starting Peer Review Process, as recommended by staff in memo.

Director Stickney points out that the same staff (Director Stickney and Zoning Administrator Rosenberger) will be at Zoning Board of Appeals, but Zoning Board of Appeals will have to make that decision for the Peer Review. Attorney Murphy asks typically a board likes to have the report and the peer review all done before they start the discussion. Can this be in motion before going to ZBA, especially if Thayer is in agreement with Peer Review and cost? Director Stickney clarifies that the Planning Board has had an established policy; unfortunately, this project has fallen into a transition between the Zoning Board and the Planning Department. The way it works with the Planning Board is when the application comes in, we do get a peer review set up; we haven't had the ability to do that with the Zoning Board of Appeals. We could at least ask the Chairman, but don't be surprised if he says he doesn't want to discuss it until the 27th. What Director Stickney suggests to the Planning Board is that we send along our recommendation for the Peer Review to be done and hear what that Peer Review is before Planning Board gives their recommendation. Director Stickney clarifies that Planning Board does not have jurisdiction other than the Zoning Board Recommendation, under the Dover Amendment the Town Solicitor ruled that they are only required to go before ZBA. PB cannot request a Peer Review themselves because they do not have an application before them.

Chair opens discussion to questions from Planning Board Members.

Member Joyce asks how many spaces are there that look like they are new and where are the remainder of the spaces? Attorney Murphy clarifies that there is a covered mezzanine area underneath the building with 186 parking spaces. Member Joyce asks how many spaces are there up front in the most obvious parking area. Attorney Murphy responds that there are 76 spaces. Member Joyce asks how many spectators does rink hold. Attorney Murphy states there are 350 seats, which assumes you get 350 spectators at a typical high school hockey game.

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Member Joyce asks what is typical attendance for a high school hockey game. Director Stickney asks for a point of clarification because the floor plans show over 500 seats in bleachers. Is there a new revised floor plan? Architect, Paul McNealy, states that they do not have a revised plan; however, there are 350 seats in the bleacher area. The Zoning Administrator states that the original plan shows six sets of 90 seats. Attorney Murphy states a year ago there were very preliminary plans that might have shown that, but when they filed in April 2015 for the May 2015 meeting, it was 350 seats.

Matt McGuerk, past Athletic Director at Thayer just bridging the gap for the new Athletic Director, states typically on a Wednesday you are dealing with just parents for the games. Based on game times, you're looking at between 50 to 80 fans, with 100 on the high end; really it is 50 fans on average. On a Saturday, you get more spectators probably 80 to 150 on average. When you get up into the 300 or 350 range, that is when you are talking about that one or two games a season situation with a tournament. On a Saturday, you are looking at typically 100 to 150 spectators, with much less on a Wednesday.

Member Joyce asks what the underground parking is like with visibility and movability. Attorney Murphy reminds that Deputy Chief Sawtelle was comfortable with circulation and movement through that area. Member Joyce asks how the school feels about parking in that area for function and safety. Attorney Murphy states that was why putting clear pedestrian walkways and the lighting was one of the responses we made from comments at the last meeting. Member Joyce asks if there was new lighting proposed for the underground area; Attorney Murphy states there is existing lighting. When you consider that the highest use of the facility will be during the winter as a rink, having the covered parking does a lot to cut down on haphazard parking due to snow. It actually works to facilitates parking for a winter sport. Member Joyce asks about the loading dock on the other side of the building and whether it is currently used. The building owner states the loading dock at 90 Campanelli has not been used.

Member Joyce is in agreement with Peer Review as due diligence by Planning Board.

Chair Harnais opens it up to public for questions or comments.

Member Mikami states that after our last meeting he learned that Thayer had other property that they could potentially develop the hockey rink on. Why wasn't that property considered rather than this one or even an on campus property?

Bill Stevenson, Business Agent for Thayer, responds they looked at that property for potential alternative uses when they did first Master Plan about six years ago, but they could not see a way to accommodate space and parking needed in that area. Crossing over Washington Street is a major problem. Member Mikami is trying to understand the strategy because Thayer is applying the Dover Amendment in this case, yet you have property which could have been used in some capacity.

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Member Mikami states he thought this would be better if it was daylighted as a Special Permit. There are a lot of issues with public safety that needs to go into a lot of detail. For example, I note that there is going to some busing, which is a great idea. Does that mean for every practice and every game every student is going to be bussed or just for game situations? Attorney Murphy states this is set forth in Tab 6 of packet. She further states that it depends on each scenario. For example, for a 6:00 AM practice, students would get there on their own, but might typically be bussed to school after practice. Attorney Murphy states they could walk through each scenario, but the idea is to maximize bus use. Member Mikami states that is the sort of detail that would be covered by a Special Permit; the Board would have gone through every detail to ensure from a public safety standpoint. He also wants to get information up front as soon as you can. He would commence traffic study analysis every day, every game, every event so that you know. He gives example related to what if traffic light or more police presence is needed. There is no mention of that. Attorney Murphy states they understand that this is not your preferred permitting process; however, it is what the State Law requires. It is an "as of right" use under state law that overrides the local zoning. Member Mikami understands what Attorney Murphy is saying; however, the Planning Board's job is looking forward so we don't have problems. He is worried about public safety. Attorney Murphy states that the school would agree that public safety is the most important. Attorney Murphy clarifies the direction of traffic for a neighbor from Richardi Lane, not a direct abutter. Attorney Murphy is willing to take any suggestions or concerns, such as counting cars more frequently, and address any of those interest points.

Member Eng has concerns about cars exiting onto Granite Street with the amount of traffic that is already on there. Drivers can get very impatient if it queues up quite a bit on Campanelli. Can you give us an idea how many cars may be queuing up because the concern is if people get impatient, they are going to force themselves onto Granite Street. There is concern about accidents. Director Stickney also asks Mr. Dirk to talk about the level of service for the left hand turns out Campanelli to Granite.

Mr. Dirk states, looking at the past five years of crash data, there have been 5 crashes in 5 years. In terms of crash rate, the number of crashes compared to volume of traffic is well below what the State average would be for an unsignalized intersection. From the standpoint of safety, today there is not a safety issue at the intersection; it is functioning at a safe manner. Getting to levels of service and delay at the location, the intersection operates fine in the morning peak hour and on a Saturday because there's not a lot of traffic. The issue comes for the left turn movement during the evening peak hour, which is what you would imagine. In the evening, the right turn movement has very little delay; it operates well. The left turn movement operates with delay; so it is considered a failing condition. Because of that, it translates into some backups happening at that location. As we look at that queue, it is generally in the range of two to three vehicles being delayed coming out. Member Eng asks even after a sporting event with the crowd coming out. Mr. Dirk responds yes, when that traffic is exiting, it is happening after peak happens at office park. Most of our spectators are coming in when the traffic is exiting from the office park. Member Eng clarifies that what he is asking about is, after

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a game is completed and all the spectators are queuing up to get out; that is what the concern is. Mr. Dirk states that the existing traffic from games is generally a little less than office park traffic. Member Eng feels there has been not clarification about how many cars queue up to get out after a sporting event. Mr. Dirk states that looking at a peak use day during the weekday evening peak hour we are predicting that the queue in that lane would be about four vehicles, over the course of an hour, at its highest level. The traffic from games is more disbursed when a game ends. Not everyone leaves at same time. Member Eng feels like he has not been convinced. Mr. Dirk feels that is the benefit of a Peer Review because you will have another professional that will look at it.

Vice Chair Reynolds has discussion about tournaments. People don't just come for their game; they stick around to see the competition. That will cause a problem with parking and traffic. Mr. Dirk states they recognize that as a Special Event, under Special Event conditions, and he could not tell us that the site will function under such a condition without a traffic management plan. Member Reynolds agrees. Member Reynolds continues there are a lot of these tournaments that go on during school vacation, during the weeks. You made a point that the earliest use of the ice would be 4:00PM. Under Tab 3, there are all these highlights that are before 4:00PM; that seems to be a contradiction, which needs to be clarified. There was a comment made about attendance by the former Athletic Director stating there are usually about 50 attendees. That is not my experience, particularly during tournaments, particularly when two teams are natural rivals. He is trying to illustrate to be more realistic about what goes on. The Planning Board has to raise that bar. You are dealing with a site that has industrial use, so the hours are going to be critically important. Your parking control and management program is going to be critically important, and the responsibility is going to be on Thayer. Member Reynolds likes the idea of a rink, but it has to be done responsibly. Jeff Dirk agrees with everything that Member Reynolds is saying and states that the critical elements are going to be the traffic and parking management. Member Reynolds makes reference to the Dover Amendment states he does not agree with opinion on that.

Chair Harnais states as planners we plan for the future – for 5, 10, 20 years down the road. We have an ultimate responsibility. I know it seems like we are jumping on issues, but we have a responsibility. We have the Mayor and the citizens of Braintree to worry about. Attorney Murphy clarifies that she hopes Planning Board is not seeing frustration on their faces. In fact, the reason why it is September when they started here in May is because they wanted to be able to respond to everything they heard in May. They had requests, which they honored, from abutters multiple times to delay their hearings. There has not been a “we have to be on the Agenda tomorrow” approach, and I think that the staff would agree. We have tried to be as cooperative as possible but still move this along at a pace that is appropriate for the project.

Chair Harnais entertains a motion. Member Reynolds **MOTION** to recommend that Zoning Board of Appeals ask for a Peer Review and that the Zoning Board send Peer Review report back to Planning Board for review and recommendation prior to Zoning Board's final decision; Member Eng seconded; unanimously voted.

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Once the vote has been taken, an abutter comes forward with questions. It is clarified by the Zoning Administrator and Chair Harnais that the abutters will be able to voice their opinion and concerns at the Zoning Board, as that is a public hearing. Chair Harnais further clarifies what has been requested with regard to Peer Review and another opportunity for Planning Board to here results before making their recommendation.

The Chair entertains a motion to convene the meeting. Member Reynolds **MOTION** to adjourn the meeting, seconded by Member Mikami – unanimously voted.

The Meeting adjourned at 11:08 PM

Respectfully submitted,

Louise Quinlan
Planning/Community Development