Braintree Planning Board – February 21, 2019 – Cahill Auditorium

Present:
Mr. Robert Harrais, Chair
Ms. Erin Joyce, Vice Chair
Mr. Darryl Mikami, Clerk
Mr. James N. Downey
Mr. Phillip J. Baker, absent
Mr. Hector Erinna, Alternate Member, arrived late

Christine Stickney, Director
Melissa SantucciRozzi, Assistant Director
Connor Murphy, Staff Planner

Chair Harrais calls roll at 7:04 PM. Four (4) members are in attendance.

NEW BUSINESS/OLD BUSINESS - Zoning Board of Appeal Petitions – February 2019
7:04 PM – Four Planning Board Members participated; Member Baker was absent, and Alternate Member Erinna had not yet arrived.

Chair Harrais reminds the public that, as we have done for past months where the Planning Board has taken up the recommendation of Staff, for the February 2019 Zoning Board of Appeals Petitions, we will once again move forward the February Zoning Board of Appeals Petitions with the recommendations of the Zoning Administrator as the Planning Board’s recommendations.

Member Downey MOTION to approve the Zoning Administrator’s recommendations for each of the Petitions shown below; seconded by Member Mikami; voted 4:0:0. Member Baker was absent and Alternate Member Erinna had not yet arrived.

Petition #19-01
5 Meadowbrook Road (Formerly 14 Meadowbrook Road)

Liberty Realty Development, Inc. (Robert Gabriel), 20 Christina Drive, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to demolish existing one (1) story, single family dwelling (+/- 1,296 sq. ft. building footprint) and construct a new, two (2) story single family dwelling (+/- 1,438 sq. ft. building footprint); property is pre-existing nonconforming with regard to lot area and width. The applicant seeks a permit, variance and/or finding that the proposed project is not more detrimental to the neighborhood. The property is located at 5 Meadowbrook Road, Braintree, MA 02184 and is within a Residence B Zoning District, as shown on Assessors Map 1006, Plot 67, and contains a land area of +/- 9,162 sq. ft.

Staff Recommendation
APPROVAL WITH CONDITIONS:

1.) Any changes to the approved plans will require ZBA approval;
2.) Certified foundation plan submitted to the Planning & Community Development Department prior to vertical construction; and
3.) As-built plan submitted to the Planning & Community Development Department prior to issuance of a Certificate of Occupancy.
Petition #19-02
825 Granite Street
Richard Goodick c/o indus, 825 Granite Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-407, 903, 904.3 to install 8 ft. illuminated wall signage that would exceed the total allowable height. The applicant seeks variances and/or findings that the proposed project will not be more detrimental to the neighborhood. The property is located 825 Granite Street, Braintree, MA 02184 and is within Watershed Residence B/Watershed Commercial Zoning Districts, as shown on Assessors Map 1032, Plot 3B, and contains a land area of +/- 9.14 acres.

Staff Recommendation
APPROVAL WITH CONDITIONS:
1.) No sign illumination from 1am-6am, pursuant to Section 135-905

NEW BUSINESS/OLD BUSINESS
Approval of Planning Board Meeting Minutes for November 13, 2018, January 15, 2019 Executive Session and January 15, 2019 Regular Session
7:05 PM – Four Planning Board Members participated; Member Baker was absent, and Alternate Member Erinna had not yet arrived.

Member Downey MOTION to approve the minutes from the Planning Board Meetings on November 13, 2018, January 15, 2019 Executive Session and January 15, 2019 Regular Session; seconded by Member Mikami; voted 4:0:0. Member Baker was absent and Alternate Member Erinna had not yet arrived.

NEW BUSINESS/OLD BUSINESS
Request for Minor Modification - Special Permit/Site Plan Review
7, 7R, and 11 (now known as #9) Independence Avenue (File #14-06)
Requested by: Thomas Fitzgerald
7:05 PM – Four Planning Board Members participated. Member Baker was absent, and Alternate Member Erinna had not yet arrived.

Assistant Director SantucciRozzi explains that she has been working with the Applicant; however, they have still not submitted all the materials, and they have not made a formal request with regards to the penthouse. She has advised the applicant to provide a full package, and then they can come before the Planning Board.

Member Downey MOTION to continue this Request for Minor Modification until the next Planning Board Meeting on March 12, 2019; seconded by Member Mikami; voted 4:0:0. Member Baker was absent and Alternate Member Erinna had not yet arrived.

NEW BUSINESS/OLD BUSINESS
Request for As-Built Approval and Release of Surety:
170-180 Forbes Road (File #15-13-Special Permit/Site Plan Review)
Requested by: K.W. Braintree LLC
7:06 PM – Four Planning Board Members participated; Member Baker was absent, and Alternate Member Erinna had not yet arrived.
Staff Planner, Connor Murphy, explains that a Staff Report has been provided to Board Members related to 170-180 Forbes Road, which is Marriott Residence Inn property. Mr. Murphy explains that back in February 2018 we did vote for As-Built approval; however, it was conditional on revised plans.

Staff explains that the Applicant never submitted revised plans until about six months later. There was discussion between staff and the Applicant with regards to the drainage swale not being built to Record Plans. Attached to the Staff Report is a statement prepared by the Applicant’s engineer that discusses the swale overall. If you look towards the plan in the back, it shows the swale built outlined to Record Plans. There are minor deviations; the engineer did confirm that this increase does allow for positive stormwater recharge.

Staff is asking that the Planning Board vote to grant the As-Built Approval with Surviving Conditions 1, 12, 34, 35, 41, 42, 44, 45, 47, 48, 49, 50, 51A, 51B, 52, 53, 54, 55, 56, 60, 61, 62, 64, 65, 66, 67, 68, 74, 75, 76, 77, 78, 79 and 80. Staff is also recommending that the Planning Board vote to release the following Bonds/Surety: $6,000 for Hotel and Restaurant Landscaping; $10,000 for Hotel and Restaurant As-Built Surety.

Member Joyce MOTION for as-built approval and release of surety with the surviving conditions noted by staff; seconded by Member Downey; 4:0:0. Member Baker was absent, and Alternate Member Erinna had not yet arrived.

PUBLIC HEARING
40R Smart Growth Overlay District - Preliminary Public Hearing and Information Session
Washington/Union and Ivory

7:08 PM – Four Planning Board Members participated. Member Baker was absent, and Alternate Member Erinna had not yet arrived.

Present for the Discussion:
William Reyelt, Principal Planner, Commonwealth of Massachusetts,
Department of Housing & Community Development
Elaine Wijnja, Commonwealth of Massachusetts, Dept. of Housing & Community Development
Melissa SantucciRozzi, Assistant Director, Town of Braintree-Planning & Community Development

Assistant Director, Melissa SantucciRozzi, begins the discussion by explaining that there will be a two-part presentation on a proposed Smart Growth 40R District in Braintree. The first part of the presentation will be done by Bill Reyelt from the Department of Housing & Community Development (DHCD), who will review the criteria and aspects for a 40R district, the state regulations, existing 40R developments and how reimbursement payments work. The Assistant Director will then do the second part of the presentation, which will be an overview of Braintree housing data and then go into some detail about what is actually being proposed for Braintree.

William Reyelt, Principal Planner for Smart Growth Programs with the Commonwealth of Massachusetts' Department of Housing & Community Development, begins the presentation by explaining that he will be providing some context, in terms of the overall housing picture, a description of the program and some activity that they have had to date in the program, and show some examples of districts that have been adopted. Mr. Reyelt explains, in terms of the housing situation, everyone is probably generally aware of how expensive housing has become in Massachusetts and particularly in the Boston Region, with its strong education, medical and human capital resources, has increasingly become a major tech and life sciences hub and one of our nation's leading economic centers. This continues to attract new companies and young people to our
region, putting a lot of pressure is put on our housing stock, which has not kept pace. Housing production has declines significantly in Massachusetts in the past few decades. There has not been a slow-down or decline in housing need or demand.

Massachusetts has had the highest rate of home value increase, and is now the third highest after Hawaii and California. Rents are also very high; Boston ranks number four in terms of cities for rental costs. High housing costs are a disadvantage in terms of our economic competitiveness. Mr. Reyelt presents and explains the slides contained in the 40R Smart Growth Zoning Program presentation, which are attached hereto and incorporated into the minutes by reference.

Mr. Reyelt explains the cost burden of both home ownership and rental. Massachusetts faces a core challenge to create adequate housing to support our economy and families. 40R is one tool, passed in 2004, which has helped to provide more housing. The slide presentation provides a more detail definition of the 40R program.

Mr. Reyelt explains the eligible locations: TOD Site – within a half mile of transit; Area of Concentrated Development – a city or town center or other existing commercial district; Other Highly Suitable Location – other sites with Smart Growth attributes. He continues the discussion related to Zoning Characteristics and requirements for developments. He further explains the income and base rent limits.

Mr. Reyelt reviews the details around payments and explains that there are two payments: (1) the Zoning Incentive Payments; and (2) the Density Bonus Payment. The Zoning Incentive Payment is based on Net New Units that the district would allow by right on parcels that qualify as Developable/Underutilized land. Any existing or currently allowed housing units are deducted and do not count in the total units. The Density Bonus Payment is for units that are actually permitted.

The basic process is that DHCD talks to the community. There is a formal application that gets filed. One of the requirements of the application, before it is filed with the State, is that there is a local public hearing. DHCD has a ninety-day review period to issue a Determination of Eligibility, once they have received the application. Once DHCD issues the Letter of Eligibility, the community can proceed with the local zoning adoption policy. If zoning passes, the community provides DHCD with evidence and is then eligible for incentive payment. Mr. Reyelt explains that we are currently at the Initial Consultation with DHCD stage.

There is discussion about Smart Growth Zoning Districts including: number of districts; samples of district size and production; sampling of 40R and 40S payments; discussion of Belmont 40R District; discussion of a very successful Smart Growth District in Reading; discussion of redevelopment in Northampton, Easthampton, and Lakeville. Lakeville has benefited heavily from 40S. Kingston and North Andover have a mixed use district. There is an overview on Projects in Progress as well as Completed 40R Projects. Many communities have received MassWorks grants because they get preference under 40R.

Mr. Reyelt provides a brief explanation of 40S School-Cost Reimbursements. This covers the net increase in school costs, which is calculated to the share of real estate and excise taxes % that goes to schools is 56%. The difference between that revenue and what the state calculates as the cost of the new students that have moved into the 40R units plus any additional Chapter 70 funds that were received by the municipality. Department of Revenue (DOR) administers 40S money. 40S payments are annual payments. In the example provided, Lakeville and Lunenburg have qualified annually for a number of years, but Reading has not qualified. This concludes Mr. Reyelt's presentation.
Planning and Community Development’s Assistant Director, Melissa Santucci-Rozzi, explains that she has prepared general information about housing and the needs in Braintree, as well as housing trends and themes of what people are looking for with housing in Massachusetts. This comes from information and knowledge she has gained from participating in housing initiatives in the state from Boston to the South Shore.

The Assistant Director presents and explains the slides contained in the Braintree – Massachusetts PROPOSED 40R Smart Growth Overlay District, Informational Preliminary Public Meeting presentation, which are attached hereto and incorporated into the minutes by reference. She refers to housing production during the 60’s 70’s and 80’s and how housing production has dropped. She shares a story about how “people used to drive until they qualified”. Meaning, they would get in their cars from their hometown, where they grew up but couldn’t afford to live, and drive until they reached a community that they could afford. Now, things are changing; people want to live near their jobs and services. With dual-income households, there are a lot of demands outside of work, and people do not want to have long commutes. The presentation continues with facts gathered on Braintree demographic and housing information. The Assistant Director discusses the effect of census data from 2010 and staying ahead of the affordability requirement for the 2020 census. The Assistant Director explains that in 2017 the Town of Braintree made a “Safe Harbor” claim on a pending 40B development, taking the position that the Town has met their local requirement, which is having 1.5% of the general land area minimum dedicated to affordable housing. This has been under litigation for two years, and we are awaiting a decision from the Housing Appeals Committee (HAC). She further explains that household size is dropping, which requires more housing for the same number of people. In Braintree, about 1/3 of the households are cost burdened, which means they are spending between 30% to over 50% of their income on housing.

The Assistant Director reviews the Housing Trends detailed in the overheads and concludes that there is less of an emphasis on home ownership currently. She explains that some of the properties that are proposed in the overlay district are significantly underutilized. There is a comparison between the increases in income vs. home costs over the past 13 years. There is explanation around Transit Oriented Development (TOD), affordable housing, traffic reduction and mitigation, and newly developed housing opportunities.

The Assistant Director continues with an explanation of why a 40R Smart Growth Overlay District makes sense for Braintree, including a review of the location of each of the proposed Sub-Districts. The presentation concludes by explaining what the next steps are for the Town of Braintree related to the submittal of a 40R Application to the Department of Housing and Community Development.

Chair Harnais opens the discussion to the public.

Steve Leonard, 15 Woodsum Drive, states this is very interesting information and a good presentation. He mentions that the Motel 6 area and the Ivory Street area seem like a good improvement to the Town. Some people might say those are blighted areas. With regard to the Washington Street/Georganna area, he feels this is a different situation, as any project would not be an improvement or increase the character of the neighborhood. That is not a blighted area. It is probably the most historic area of the Town. The existing buildings there owned by Thayer Academy are historic, and it is a nice area. There are a total of five houses currently being considered for this district. To go from 5 houses to 170 housing units seems inappropriate and will make this much worse. Traffic is an issue. The other projects already done were not in the heart of the town. There is currently gridlock in this Washington Street corridor. He feels it is a good idea to encourage people to use public transportation, but if people are walking to T transportation they have to cross Union Street, and this will stop traffic. Mr. Leonard’s second issue is related to the historic character of the town. He feels Weymouth Landing was an improvement. However, he feels the Washington Street/Georganna Street
area with 170 units will not improve the character of the Town. He feels there could be a more attractive use of that land. He suggests incorporating that area into the historic area of Braintree.

Janet Kearney, 15 Woodsum Drive, Unit 2, agrees that putting in 170 housing units in that small area would generate between 250 more cars on the road. Walking down to T is not easy, especially in winter. Drivers coming up Union Street and turning right do not respect pedestrians crossing the street. Ms. Kearney discusses visibility in that intersection. In winter, it doesn’t get cleared properly. She is concerned with a five story building, which she feels is a blight and not appropriate. She feels the new housing in The Landing and on Independence Avenue is not affordable. She feels it has become impossible to afford living here. She discusses housing costs in Braintree. She feels this Town is greedy. She discusses lack of parking in the Landing. She feels the plan in place for building at Washington and Georganna Streets is unacceptable and not good for the neighborhood. She feels that people will still continue to buy cars. We are losing what Braintree is about; it is a family place. This is making it impossible for local people to buy houses where they grew up.

Chair Harnais discusses that a lot of young people renting do not want to own cars. They take public transportation, Uber and use Zip cars. Chair Harnais suggests talking to the people that live in these new developments and asking them what they prefer for transportation.

Peter Forman, President of South Shore Chamber of Commerce (SSCC), non-resident of Braintree, explains that the SSCC wants to give a different perspective. They have looked at housing in terms of economic growth for the region and for community development for individual towns, and SSCC has come up with an agenda that will anchor their communities for better services, preservation, and development and promote economic growth. They have looked at two distinct areas: (1) type of housing that we need more of; and (2) location of that housing. He states that the 40R districts meet both of those criteria; we need more multi-family housing on the South Shore because: (1) you want to attract a younger demographic to this region; (2) zoning has been aimed at limiting growth and that is how you get the high housing costs. The rising cost of home prices is because there is no movement out of single family homes—empty nesters are not moving out of larger homes because they cannot find the housing they want, which is the same type of housing that younger professionals are looking for. Mr. Forman explains how 40R addresses issues. He discusses the argument of how 40R is going to change the flavor of downtown. What is going to anchor downtown’s is having more people living in them for walkability and vitality. He feels to anchor downtown you must encourage more housing near downtown. A great example of this, with more housing near downtown, is Plymouth. Mr. Forman discusses the development in Plymouth. For many years the downtown main street was dying. It is now being connected by housing near historic sites. Iconic downtown buildings have been used for residential. Mr. Forman congratulates the Town of Braintree on its leadership, and he feels we are being pro-active in dealing with its future and looking at zoning changes and master planning being done. This will preserve community development and advance it for Braintree. He feels this matches their recommendations of what more towns need to do in order to strengthen themselves.

Charles Kokoros, District 1 Councilor, wants to say that the American Dream is home ownership. He disagrees with some of the statements in the presentation. The foundation of Braintree is home ownership. He feels killing that dream by creating rental units, deters the American Dream. When we look at this corridor, we have massive amounts of traffic, which they may address at their next Council Meeting. He feels we are already in trouble with traffic, and this will make it worse. He feels that Ivory Street should be a tech corridor; people should be coming from the T and going to work. He feels there is no need to present an overlay district to push increased residential development in a Town that is already over-burdened with development. He is a Councillor opposed to 40R – not just to the Washington Street piece, but the entire presentation; he thinks that
it would make sense, before an Application is sent to the State, for the Council to have an opportunity to discuss this. It is six Council votes that will be needed to adopt this locally. He feels it is important for the Council to have some input and a voice prior to applying to the State. In conclusion, he thinks Braintree is a great place to live, and 40R is a great concept, but not the right concept for Braintree.

Chair Harnais explains that 40R is a replacement for 40B; so by not pursuing 40R you keep the 40B door open.

Meredith Boericke, 59 Hobart Avenue, was looking at information for 40R and 40S, and her question is related to the instability with this funding in the past from the State. If we pursue this, and she feels there are a lot of merits to doing so, she wants to make sure we are confident that the funding is assured and we would get what we deserve from the state for both the 40R incentives and, more importantly because it renews annually, the 40S educational reimbursements. Mr. Reyelt, DHCD, explains that there were two years where the payments were prorated for 40S, but last year they were back on track with full funding of the program. Mr. Reyelt explains they have never missed a 40R payment.

Susanne Hamilton, 131 Storrs Avenue, has a question for the Assistant Director. Of the recently approve 270 units, how many were affordable units. Assistant Director SantucciRozzi states we do not have an inclusionary zoning bylaw in Braintree, and we have no ability to require people to do affordable units, but we have been very successful in negotiating those even without one. She explains, at 60 Pearl there are none; at Independence Avenue there are three; at 84 Pearl there are two; at Washington/Hancock there are three; at Landing 53 there are none. Ms. Hamilton confirms that had we had an inclusionary zoning bylaw, we would have had 67 affordable units at 25%. The Assistant Director states the proposed inclusionary bylaw would be at 10-15%. Ms. Hamilton states other towns have done 25%, and Braintree could do 20-25%. The Assistant Director is not aware of any communities with 25%; she states the highest one is Cambridge at 15% and then Watertown at 12.5%. Ms. Hamilton feels not having inclusionary zoning is a missed opportunity, and the town is still being reactionary. We are looking at putting residents basically on the dump, next to a transfer station. Ms. Hamilton refers to the project from a couple of years ago related to the Ivory Street Corridor. One of the conclusions was the biggest issue we will have on developing Ivory Street is the Transfer Station. We are looking at putting these units at the most undesirable area. Ms. Hamilton thinks this is sad, and mentions that you cannot build within 500 feet of the Transfer Station. She discusses the Transfer Station that was proposed in Holbrook being denied because of the close proximity to residents. It was 495 feet to the nearest residence, and it was denied. It looks that the opening of Braintree's proposed area is at the entrance to where the trucks come in and out of the transfer station. The Assistant Director states that district is a mixed-use district, and they are not saying that exact area is going to be physical units. Chair Harnais states that Ms. Hamilton brings up an interesting point, and this is something we will look into. Ms. Hamilton states, with regard to the Ivory Street Corridor Project, the level of service when you look at Ivory and Pearl Street was functioning at Level F in the evening. This proposed adding even more residents to that area, to an already failed intersection that has been functioning at a Level F. It hasn’t been mitigated and continues to function at that point in the evening. It seems irresponsible to proposing more housing there. There seems to be a lack of planning with the Planning Board.

David Killeffer, 134 Blanchard Boulevard, had a question about the proposed overlay district on Ivory Street and Union Street. Is it in the Planning Board’s purview to require or mandate that, if housing was built there, you would put a footbridge crossing Ivory Street so that the residents would not have to cross the street but could use the bridge to cross over? Chair Harnais states it would be difficult to mandate that.
Wayne Opie lives at 19 Georganna Street, (his son lives at 15 Georganna Street). He is going to be impacted the most on this; he highlights on a photograph where his house is located. He has been there for 35 years. Thayer Academy has tried to buy his house eight times. He feels the traffic will be a horror show. He thinks this development should be like Bluestone and have their own street. He feels they should not interfere with his street. He asks if the Planning Board has seen the plans for this development yet. Chair Harnais states "no". Mr. Opie shows the audience a photo of the proposed development, given to him by a potential developer. He feels it is too big. Mr. Opie discusses flooding of street, and wonders where the water is going to go.

Assistant Director SantucciRozzi explains that this discussion is about a zoning issue and not a site specific development; The Assistant Director states that this is not about approving a development. If this zoning is approved, a new development would be subject to Site Plan Review. Chair Harnais explains that the Planning Board is not the voting authority to approve this; he explains that the Town Council is the voting authority on adoption of zoning.

Sarah DeMeeo, Academy Street, appreciates staff's clarifications the previous evening, which she felt were very transparent. She mentions that she came to the meeting very skeptical, and she does feel a little bit better. She appreciates the presentations and thought they were great. Her questions concern the Washington/Union property. She asks if Thayer has sold the property. She is trying to understand how development happens. She wonders if we have the opportunity to buy the property and put in a recreation center, or is Thayer only selling it to the developer for a purchase price determined by the development. The Assistant Director does not know the particulars of the price; her understanding is that Thayer put out a Request for Proposal (RFP) to solicit interest from multi-family developers. Ms. DeMeeo asks, when 170 units are being proposed, is this by the Town or the developer. The Assistant Director explains that the 170 units in the slides she showed are based on the units per acre and the size of the lot. The Assistant Director explains it is proposed zoning. This has nothing to do with Thayer. Zoning is related to a property. Chair Harnais explains that land gets zoned not because of who owns it but for the future. Chair Harnais explains that cities and towns cannot control real estate transactions between private entities. Chair Harnais also explains we cannot spot-zone; you can zone for the purpose of the town. Ms. DeMeeo asks if the town has seen a proposal for this potential developer. The Planning Board has not seen the proposal. Ms. DeMeeo mentions everyone's questions about traffic and asks what the answer to that is. The Assistant Director states, if this Overlay District is successful, and someone decides they want to exercise the Overlay District, we get into full traffic reports, mitigation, and quite a bit of traffic improvement. The trip generation would be looked at, and the Planning Department and Board would get into a mitigation package, like all other projects. Ms. DeMeeo asks about the meeting to discuss the Transition District.

The Assistant Director clarifies that the 40R has been considered for inclusion in the Town's parallel Comprehensive Zoning Process. There have been the four public informational meetings to date and there will be a filing of the Comprehensive Zoning with Town Council, and the Public Hearing before the Planning Board where the Planning Board does not vote but sends a recommendation to the Town Council, who is the adopting authority. The Assistant Director encourages people to call with any questions about Comprehensive Zoning. Chair Harnais explains that the Town Council will have their separate meeting with discussion and suggests that residents should attend both the Planning Board and the Town Council Meetings. He also suggests to residents that, for any issues they may have, they should reach out to their District Councilor.

Director Stickney states we have been working on the Comprehensive Zoning Project for five years. In that time period, we have also redone Braintree/Weymouth Landing District zoning, and we have had the Ivory Street Corridor study, which incorporated this property to be looked at as part of the corridor study. The 40R
came from all of this being done; we didn’t just come up with this recently. There has been a lot of time and effort spent getting this done. Director Stickney encourages residents to look online at braintreezoning.com.

Chair Harnais explains that there is a rezoning coming up and also encourages residents to look into it and speak to their District Councilors.

Liz Page, Storrs Avenue, states Comprehensive Zoning online is not very user friendly and very difficult to navigate. Director Stickney confirms that staff has responded to resident questions on the website. Ms. Page asks if staff has seen a plan for the 40R development of Georganna. The Assistant Director has seen very old plans, but nothing in the past year. Ms. Page asks, regarding the 40R, who decides the design standards for the buildings in such a project. Is that through the Planning Board? The Assistant Director states it would be in the draft, and Planning is looking for ideas. Obviously, what we want to see on Washington Street would be different than Union Street in that it would be of a more historic feel. Ms. Page explains that it bothered her when Mr. Forman from South Shore Chamber of Commerce, who is not from our Town, lectured residents about how this isn’t going to change the character of our Town. She emphasizes that residents are entitled to how they feel about their community. She also wants to mention that the building height has been a concern at every single Comprehensive Zoning Meeting. She doesn’t think we want six-stories on the entrance to Braintree, and she thinks putting a five-story building on Georganna is terrible in a residential neighborhood.

Chair Harnais reminds the audience that this just a public meeting for preliminary discussion and not a vote. The Assistant Director explains that the purpose of this discussion was to have Department of Housing and Community Development (DHCD) here to share some information, to go over the basics, and to get information from people on their opinions of the sub-districts on what they would like to see or not see. Chair Harnais urges the audience to reach out to Town Councilors. Chair Harnais explains that for many issues the Planning Board is just a recommendation board to the Town Council or the Zoning Board of Appeals. The Town Council should be aware of what is going on, and it is important that Town Councilors keep residents informed. Chair Harnais also mentions that if change is to occur, residents want to make sure they have a voice.

PUBLIC HEARING
4 Sunset Road – File #19-01
Grading Permit
Joseph and Deborah Cerilli, Applicant
9:15 PM – Five Planning Board Members participated. Member Baker was absent, and Alternate Member Erinna will participate in this hearing.

Present for the Applicant:
Shawn Hardy, Engineer, Hardy + Man Design Group
Joseph and Deborah Cerilli, Applicant

Chair Harnais reads the Public Notice into record.

Shawn Hardy, Engineer for Hardy + Man Design Group, begins the presentation for a Grading Permit for a proposed three-car garage at the existing house at 4 Sunset Road. The property has access from the front on Sunset Road and from the rear on Canal Street. The garage is proposed to be located on the back. There is a gravel roadway (Canal Street) that is to the rear of the parcel. To slope the garage for a driveway at an appropriate slope, it requires a retaining wall in varying height of about one foot high to almost seven feet high at the garage. It is about 170 cubic yards fill that gets removed, which is exclusive of the footprint of the garage. Additionally, there
were seven trees marked to be removed, as staff noted. Mr. Hardy states, initially with this project, there was a survey and plot plan done and a Building Permit was applied for. At that time, an arborist went out to look, and some of the trees have already been removed as part of that. The arborist estimated that the trees removed were 50% dead. There is still a larger tree on the site that has to come down in the footprint of where the garage is proposed. This would be done at the time of excavation for the garage.

Mr. Hardy notes there is a Staff Report with some comments, and he acknowledges that there are some things that the Applicant needs to revise. There is an architectural plan that was submitted that needs revisions; the architect didn’t realize at the time that based on the grades the elevations he showed on his plans don’t work. That will need to be revised. Generally, the architectural design/plan will change vs. the grading permit. Mr. Hardy knows there were some comments regarding the increase in impervious area. While excavating, they will look at the ability to put in some leaching chambers in the area. They have not done test pits, but he acknowledges that sometimes that can be done under a condition. They did look at soil maps, and it is generally sandy loam and loamy sands. It doesn’t look like there are any unsuitable soil for drainage or for building. There are other houses and garages in the area.

Assistant Director SantucciRozzi states she will not be going through each comment this evening; she states if the Applicant addresses the Staff Report we are good, unless there is something in the Staff Report they cannot address. Chair Harnais asks the Applicant if they can address the Staff Report by next month.

Mr. Hardy states that he thinks so; however, there was mitigation called out for some trees (substantial or larger). Generally, Mr. Hardy doesn’t know where they would go. Mr. Hardy represents that the arborist’s feeling was that the trees were not healthy trees and were going to come down one way or the other. This issue would be something they would want to have a discussion on. Mr. Hardy mentions a request about fall protection and explains there would be a chain-link fence. Mr. Hardy and Chair Harnais confirm it didn’t seem like there was anything major in the Staff Report.

Mrs. SantucciRozzi states that the trees that were taken down were substantial and pretty hardy; she explains that staff is looking for the same number of plantings. There were a fair amount of trees that can be seen on the Site Plan. Mr. Hardy acknowledges that there were seven trees, however, they are gone. He explains that they came to be gone at the time they pulled the Building Permit; the arborist went out, determined them to be dead and took them down. Mr. Hardy asks how we resolve that there were dead or dying trees that would have come down anyways. Mrs. SantucciRozzi explains that when trees are removed prior to grading, they are usually replaced at two-to-one or three-to-one, understanding that there is construction involved and this is not just a “clear-cut”. They need to remove the trees in order to put this garage in. However, the Assistant Director wants to make sure this is re-vegetated, as it is right against Sunset Lake across from the Town conservation area.

Mr. Hardy explains the Applicants were headed in the right direction; they hired a Surveyor, they hired a Structural Engineer and they hired an Architect. They put together a plan, and applied for a Building Permit. However, the grades didn’t work when looking at it. The builder (along with Staff) questioned the driveway slope. Mr. Hardy acknowledged that it definitely needed a grading permit, so it shifted gears. Mr. Hardy states that they can work to propose something to staff. As far as drainage, he acknowledges it is an increase in impervious area. There will be machines and equipment there, and it is probably a good idea to put some culvert chambers in the ground.

The Assistant Director would like to point out a couple of things about this particular proposal. The Planning Board should be aware that the Applicant needs to remove the existing garage on their property before building the new garage because of zoning. The Assistant Director has had lengthy discussions with the property owner and several inquiries about the property and the ability to convert the property and/or add more units to the property.
Then the proposal for the garage came. With the existing garage and the proposed garage, they would be in violation of one of the sections of the Bylaw, which states you can only have up to a three-car garage. Anything in addition to that would need approval from the Special Permit granting authority, aside from the Grading Permit. Even if this was level, they would not be able to do the garage and keep the existing garage that they have. The Applicant was aware of that; however, they pursued the Building Permit and Planning Staff flagged it because of the additional three-bay garage. The existing garage will be taken down because you can only have up to a three-car garage. The proposed garage is 2000 square feet; over 1000 square feet on two stories. The Assistant Director wants to make sure that the Planning Board is aware of that. They are proposing to bring plumbing to the garage, and their architectural drawings call out a habitable height on the second floor, which is unusual to see on garage plans. Full disclosure, in the record, it will be in the Conditions that this will note be used for anything besides a garage. There will be no habitable space. Staff explains, even in the new Comprehensive Zoning proposal, we are not allowing detached accessory units. Staff wants it to be clear that this can only be a garage, and it, or portions of it, can never be converted for residential use. Chair Hamais confirms that no one can live there.

Mr. Hardy explains that the plumbing shown is a sink on the bottom floor because the owner’s son works on cars. They understand that you cannot have separate utilities to the garage because they could subdivide “by right”. Mr. Hardy is looking at how to get the utilities from the house to the garage so that it would be tied in through the house.

The Applicant, Mrs. Cerilli, explains that it was perfectly clear to the General Contractor that they were to finish just the bottom part of the garage. The top part would be left unfinished at this time for later use. They would like to rough-plumb it for a game room or exercise room in the future. Staff points out that if this is continued to March 12 Planning Board meeting, she will need revised plans by Monday, March 4, 2019.

Member Mikami mentions, in terms of the trees, the Planning Board has had other recent Grading Permits and Special Permits come where people have started the work beforehand, and they cut down a substantial number of trees. Under the rules, as the Assistant Director stated, the Planning Board has the purview to ask the Applicant to replace those trees at a three-to-one ratio. Member Mikami states that the Planning Board has to be consistent, as this has come up recently. That Applicant replaced the trees at a two-to-one ratio.

Member Downey MOTION to continue this hearing until the Planning Board Meeting on March 12, 2019 at 7:15 PM; seconded by Member Erinna; voted 5:0. Member Baker is absent from this hearing; Alternate Member Hector Erinna voted on this application.

**PUBLIC HEARING**
16-18 Pearl Street – File #05-06
Major Modification of Special Permit/Site Plan Review
McDonald’s USA LLC
9:33 PM – Five Planning Board Members participated. Member Baker was absent, and Alternate Member Erinna will participate in this hearing.

Chair Hamais reads the Public Notice into record.

Director Christine Stickney explains that the Applicant has asked for this hearing to be continued, without testimony to the next hearing.
Member Downey **MOTION** to continue this hearing until the Planning Board Meeting on March 12, 2019 at 7:15 PM; seconded by Member Mikami; voted 5:0:0. Member Baker is absent; Alternate Member Hector Erinna voted on this motion.

**PUBLIC HEARING**

216 Elm Street – File #18-23
Special Permit/Site Plan Review
Barry and Deborah Culkins
9:34 PM – Five Planning Board Members participated. Member Baker was absent, and Alternate Member Erinna will participate in this hearing.

Chair Harnais reads the Public Notice into record.

Planning Staff, Connor Murphy, explains that the Applicant has asked for this hearing to be continued, without testimony to the next hearing.

Member Downey **MOTION** to continue this hearing until the Planning Board Meeting on March 12, 2019 at 7:15 PM; seconded by Member Joyce; voted 5:0:0. Member Baker is absent; Alternate Member Hector Erinna voted on this motion.

**CONTINUED PUBLIC HEARING**

236-240 Wood Road – File #17-12
Special Permit and Site Plan Review
Logan Communications, Applicant
9:35PM – Five Planning Board Members participated. Member Baker was absent, and Alternate Member Erinna will participate in this hearing.
Director Christine Stickney explains that the Applicant has asked for this hearing to be continued, without testimony to the next hearing.

Member Mikami **MOTION** to continue this hearing until the Planning Board Meeting on March 12, 2019 at 7:15 PM; seconded by Member Downey; voted 5:0:0. Member Baker is absent; Alternate Member Hector Erinna voted on this motion.

**OTHER ITEMS:**

Director Stickney reminds Planning Board Members to save the dates March 25 and April 1 for potential meeting on Comprehensive Zoning. In addition, she refers Members to Citizen Planner Training Collaborative workshop on Saturday, March 16, 2019, and asks them to notify staff if they are interested in attending.

Member Downey **MOTION** to adjourn the meeting; seconded by Member Mikami; voted 5:0:0. Member Baker is absent; Alternate Member Hector Erinna voted on this motion.

The meeting adjourned at 9:36 PM.

Respectfully submitted,
Louise Quinlan,
Planning/Community Development