Braintree Planning Board – July 9, 2019 – Cahill Auditorium

Present:
Mr. Robert Harnais, Chair
Ms. Erin Joyce, Vice Chair
Mr. Darryl Mikami, Clerk
Mr. James N. Downey
Mr. Phillip J. Baker
Mr. Hector Erinna, Associate Member

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

Chair Harnais calls roll at 7:00 PM. Five (5) members and one (1) associate member are in attendance.

CONTINUED PUBLIC HEARING

Comprehensive Zoning Ordinance T.C.O #19-011
Adoption of New Zoning Map and New Zoning Ordinance
Applicants: Mayor Joseph C. Sullivan/Braintree Planning Board
7:02 PM – Five Planning Board Members are participating.

Director Stickney explains that this matter was continued from our June 3, 2019 Meeting, which was a continuation of the Public Hearing for the Comprehensive Zoning Ordinance. Because there is has been a residential working group set up that is working on this matter, Director Stickney suggests that this matter be continued. She suggests a continuance until the September meeting, as Member Downey is unable to attend the August meeting.

Member Downey MOTION to continue this hearing until the Planning Board Meeting on September 10, 2019 at 7:15 PM; seconded by Member Baker; voted 5:0:0.

NEW BUSINESS/OLD BUSINESS - Zoning Board of Appeal Petitions – July 2019
7:03 PM – Five Planning Board Members participated.

Director Stickney recommends that for the July 2019 Zoning Board of Appeal Petitions the Planning Board take the staff recommendations. Member Mikami MOTION to take the recommendation of the Planning Department; seconded by Member Downey; voted 5:0:0.

NEW BUSINESS/OLD BUSINESS
Approval of Planning Board Meeting Minutes for June 11, 2019 Executive Session.
7:04 PM – Five Planning Board Members participated.

Member Downey MOTION to approve the minutes for the Executive Session at the Planning Board Meeting on June 11, 2019; seconded by Member Baker; voted 5:0:0.

NEW BUSINESS/OLD BUSINESS
Approval Not Required Subdivision Plan: 54 Cochato Road (Plan 2053, Plot 36) – Gabriel Homes Co. Inc., Applicant
7:04 PM – Five Planning Board Members participated.
Staff Planner, Connor Murphy, explains that the Applicant could not attend the meeting tonight; he reminds the Planning Board that this matter was continued from the June 11 Meeting. There were some revisions to the plan that needed to be made. Mr. Murphy has provided the Planning Board Members an updated Staff Report on the ANR with an updated Plan. The lot does have the appropriate amount of frontage and the appropriate amount of lot area required, and it is illustrated on the Site Plan that the Applicant submitted. Chair Harnais confirms that everything has been submitted.

There are no further questions from the Planning Board Members.

Member Downey MOTION to endorse the Approval Not Required Subdivision Plan for 54 Cochato Road; seconded by Member Baker; voted 5:0:0.

NEW BUSINESS/OLD BUSINESS
Approval Not Required Subdivision Plan: 715 West Street (Assessors Plan 2053D, Plot 03) & 725 West Street (Assessors Plan 2053D, Plot 2A) – Kimberley A. Bielan, Esq., Applicant
7:06 PM – Five Planning Board Members participated.

Present for the Applicant:
Kimberley A. Bielan, Esq., Attorney for the Applicant

Director Stickney explains that this is an Approval Not Required and the lots exist in a different configuration today. They are near Blue Hills Cemetery between Brooks Drive. Attorney Bielan is here tonight for questions. Basically, they are reconfiguring the lots to a more traditional configuration for their purposes, but they will be required to go to the Zoning Board of Appeals because there are quite a few zoning issues with creation of the lots that they will need to address, and they have filed applications for this month. Each of the lots does have the required frontage, which is what is needed for an Approval Not Required Subdivision Plan. Therefore, staff’s recommendation is to endorse the ANR. Director Stickney explains that her Staff Report was written earlier in the day, and we have reconciled all of the issues in the Staff Report. Therefore, she recommends it be endorsed unless the Planning Board has questions.

Chair Harnais asks what relief they are seeking from the Zoning Board. Director Stickney explains that they need relief from lot size, lot width and some setbacks because two existing structures will not meet the requirements.

Member Mikami asks, under the new zoning proposals given all the potential changes that might be submitted, would this pass the new requirements. Director Stickney suggests that Attorney Bielan address this matter. Director Stickney does advise that the two lots today are zoned Highway Business and Open Space Conservancy. They are not currently zoned residential districts, but they are residential uses in those zones. Attorney Kimberley Bielan, Moriarty, Troyer and Molloy, wants to provide background on the properties. She explains that, where the property line is currently, it actually goes through one of the houses that is there. This is part of a larger property held by the same family. Certain lots were sold off over time. It is actually a niece and a daughter than owns one property and a mother and aunt that owns the other. It was an inter-family conveyance. After that occurred, it came to light that the property line goes through the structure. They are really trying to remedy a bad situation. Attorney Bielan confirmed Director Stickney’s statement that it is in the Highway Business Zone and the Open Space Conservancy District. That appears to be an engineering error from years ago. The use has always been residential. The idea is to have the ANR Plan endorsed and then apply for the zoning relief needed.
Attorney Bielan states they were trying to wait to see what happened with the proposed new zoning because this was intended to be rezoned to Residential A, but the clients are going to be modifying one of the structures due to an expanding family, and they need to move forward with that. Member Mikami confirms that this makes sense to Chair Harmais. Member Mikami’s main concern is that this covers any new zoning ordinance. Director Stickney states that, if we are able to amend the new zoning map the way they are proposing, they would be amended to a Residence A District, where the setbacks are much more reasonable. They are in a good position if the new zoning goes into effect.

Member Joyce asks what the minimum lot size is for Residence A. Director Stickney advises 25,000 square feet.

Director Stickney explains that the notation has been added to the Plan that there is no determination, as to zoning, and they do have pending applications before the Zoning Board of Appeals.

Member Downey MOTION to endorse the Approval Not Required Subdivision Plan for 715 West Street (Assessors Plan 2053D, Plot 03) & 725 West Street (Assessors Plan 2053D, Plot 2A); seconded by Member Baker; voted 5:0:0.

NEW BUSINESS/OLD BUSINESS
Request for Minor Modification: File #15-11, 25 Commercial Street, Landing Apartments, LLC
(Special Permit and Administrative Site Plan Review)
Requested by: Josh Katzen, Landing Apartments, LLC
7:12 PM – Five Planning Board Members participated.

Present for the Applicant:
Attorney Frank Marinelli
Josh Katzen

Director Stickney explains that Attorney Marinelli provided a letter that describes the situation at this site. They are starting to lease up some of their commercial tenants, and he has provided an explanation to address some of the additional mezzanine areas. Staff’s recommendation is approval as a Minor Modification.

Attorney Marinelli is addressing this matter on behalf of Landing 53, along with Josh Katzen, the Principal and Manager of Landing Apartments, LLC. This is an application for a Minor Modification to the 11,486 square feet of commercial space consisting of the vacant first floor, street level space that was approved back in 2015 along with the 172 residential apartments. At the conclusion of their presentation, they will be happy to answer any questions that the Planning Board or the Public may have.

Attorney Marinelli provides background on the project and explains that Landing 53 is a mixed-use, redevelopment approximate to the commuter rail. It is 172 apartments and 11,486 square feet of approved commercial space. It was approved by the Planning Board in 2015 – Decision #15-11. It represents an approximate $50 Million investment in the Landing, which was spurred by the new Landing District zoning and by the PWED improvements in the Landing area brought about by the Town Administration and the state. Landing 53 was constructed in 2016 and 2017, and it has made an appreciable difference in the vitality of the Landing. It is a revitalized Landing that has spurred other development, and it is completed in its vision by the occupancy of the commercial space that they propose tonight.
The modification will allow the approved commercial portion of the investment to be occupied. There is 3000 square feet of commercial space not shown on the rendering, but it is dropped on a lower level when you face the building. Tonight, they are talking about the 8400 square feet that faces the street straight on. It has been the most difficult challenge to rent the commercial space. They have succeeded in renting all 172 apartments. The commercial has been slower, as it has been at many of the mixed-use developments. You need to find a service business not subject to on-line purchasing. Many businesses are suffering due to the proliferation of on-line purchases. They have two potential tenants that require the Minor Modification they are requesting tonight. One is Rivershed, an established restaurant in Scituate, and they are going to expand into the northwesterly portion of the commercial space. It will be an approximate 105 seat restaurant. In the middle commercial space location, which is about 6680 square feet, we will have a national real estate firm, Keller Williams. Attorney Marinelli highlights the 3000 square feet of retail where the topography drops and explains that is not occupied right now. Attorney Marinelli explains that the restaurant requires a mezzanine, approximately 410 square feet, and explains that the first floor was designed with very high two-story ceilings. The topography in the back slopes downward, and that topography was advantageous to accommodate higher stories in the back. The restaurant will be putting twenty of the 105 seats on the mezzanine. The real estate office would have about 1400 square feet of mezzanine space. Attorney Marinelli explains that is all they are talking about for a modification – to enable these two tenants to occupy the vacant commercial space, to approve a Minor Modification to allow 410 square feet to be added to the restaurant space and 1400 square feet to be added to the real estate space.

Attorney Marinelli reviews the dimensional information that was approved in 2015. He explains that the Planning Board approved the project with 244 parking spaces. There is a 198 car garage and 46 surface parking spaces. 138 parking spaces are required for the 172 residences. Under Landing District Zoning, the parking is .8 spaces per unit. The commercial space was allocated 30 spaces; so that is 168 parking spaces. There are 76 surplus spaces (46 surface parking spaces and 30 in the garage). When you add the mezzanine it almost affects those numbers in a negligible way. The 410 square feet in a restaurant is 1 parking space per six restaurant seats. That is only an extra 4 parking spaces. The Keller Williams 1400 square feet results in 1.7 parking spaces for every 1000 square feet. When we add the mezzanine, it translates to another six parking spaces under zoning requirements of the 76 excess spaces from the 2015 decision. With the 3000 square feet that are vacant, they have calculated 1 parking space for every 500 square feet because that is the standard in the Landing; this allocates another 6 parking spaces. If you counted patio seating, there would be another four parking spaces required, but they submit that should not be counted because it is seasonal. Attorney Marinelli has provided the Metropolitan Area Planning Council’s (MAPC) parking inventory, which shows there is a parking inventory of over 600 parking spaces in the Landing. Attorney Marinelli states there is no need for additional parking in this area. In fact, the MDM Parking Report they submitted showed how the Landing 53 project was performing. On page two of the report, it shows that the impact is well within the numbers provided in 2015. The parking is well within what was required in the 2015 Decision, allowing the Minor Modification to put in the mezzanine space, which is just over 15% of what was approve. The MAPC parking inventory shows that there are 267 parking spaces available in the MBTA lots. Attorney Marinelli states we do not need more asphalt, and there is an adequate inventory of parking spaces.

The second Minor Modification is that they are taking two of the parking spaces in the garage, the two spaces closest to the northwest corner, to convert them for refrigeration for the restaurant. That is offset by the correspondence between the Building Department and the Applicant where there was an over parking of handicap spaces, and the Building Department said that those extra spaces could be reallocated to parking, which brings the total available spaces in the garage to 200, 2 more spaces than approved by the Planning Board in 2015. Attorney Marinelli explains that they are allocating 5 parking spaces in the garage to Keller Williams, which is another component that will not be consuming surface parking.
Member Baker wants to ensure that architecturally there is proper headroom for the mezzanine installation. Attorney Marinelli agrees that is something they can accept as a condition. Member Baker also wants to make sure the seating is appropriate for one means of egress vs. two. Member Baker confirms that there is still enough extra parking. Everything else seems okay by Member Baker.

Member Downey asks if the 267 excess spaces include the 88 spaces owned by the church. Attorney Marinelli states it does not. Attorney Marinelli explains that the restaurant was either going to pay for their employees to park at the MBTA lot or negotiate with the church.

Member Mikami asks Mr. Katzen what the experience has been with the residential parking and whether everything has worked out or have there been any issues. Mr. Katzen explains that it is working out fine. There are no problems with residents, and overnight guests are accommodated in the lot at night. They have worked out a timing where the lot is available to the public from 9:00AM to 1:00AM, and overnight it is available to the residents and their guests. Member Mikami confirms that there will be outdoor seating for the restaurant. Attorney Marinelli explains that the outdoor seating will be out front where the bollards are. Director Stickney explains that, when they designed the building, they anticipated that there would be outdoor seating, and it sits depressed from the sidewalk. Member Mikami makes reference to the car accident that occurred a few months back, and he asks if the bollards were put in after the accident. It is clarified by both Attorney Marinelli and Director Stickney that the bollards were there prior to the accident. Director Stickney further explains that the accident went over the landscaped island and hit the building further down. They are discussing putting additional bollards in that area. Mr. Katzen confirms that they will cooperate with the Building Department and the Planning Department for any further safety suggestions. Member Mikami asks if there has been any anticipation of signage and where it might go. Director Stickney explains that because of the Landing District requirements, the signage requires an Administrative Site Plan Review. The Department will have an opportunity to look at the signage when they get to that point. Currently, Rivershed is going through their licensing requirements. Attorney Marinelli explains that Rivershed did receive their approval from the Licensing Board for this location, including a liquor license. Director Stickney states there was a discussion with the owner about limiting outdoor seating to 10:00 PM.

Member Joyce asks a follow-up question regarding the rear parking area. She refers to the agreement worked out where someone can park overnight starting at 1:00 AM. Mr. Katzen explains that it is limited to residents and there are stickers. Member Joyce asks who monitors the parking. Mr. Katzen states that they have taken over monitoring and maintenance of the lot. The Property Manager in the leasing office engages the tow company, puts up signs and checks on the use. Member Joyce asks if restaurant parking will be available in the garage. Mr. Katzen states it will not. There is a clarification on the parking spaces required and where that parking is located. Member Joyce doesn’t understand why there can’t be public parking for the commercial uses in the garage if there are excess spaces there. Attorney Marinelli states, as Mr. Katzen mentioned, that you want to control the circumstances for the residents. Some of the residents have more than one parking space with their lease, and they are including five spaces for Keller Williams inside the garage. There are 46 spaces in the surface parking on their property. Attorney Marinelli explains that most private owners want a garage to be a controlled circumstance and do not want the liability of a public use.

Chair Harnais asks where the 110 off street parking spaces are located. Attorney Marinelli explains throughout the area. Attorney Marinelli explains the area that people can park during the day is in the lot with 46 parking spaces. Director Stickney explains that the lot with 46 spaces is privately owned; it was sold to Mr. Katzen with a parking covenant that allows the public to park there. Director Stickney suggests that if guests are parking in the 46 space lot during the day, perhaps they could park in the 198 space lot.
There is discussion by Chair Harnais stating that if tenants are not paying for garage parking, they may be parking outside. Mr. Katzen explains that is subject to a three-hour limit. Chair Harnais asks if that was monitored because there have been complaints related to cars being towed. Mr. Katzen explains that anyone can park in the lot (residents, the public, etc.), but there is a three hour limit for everyone. Mr. Katzen explains that during the first year of operation (2018) there was a need to work out the situation where commuters were parking in the lot all day. Chair Harnais refers to business owners and their employees that may be parking there and getting towed. Mr. Katzen states they are encourage business owners and employees to park at the MBTA lot. Mr. Katzen explains that all the spaces in the garage have currently been leased. Chair Harnais suggests leasing internal garage spaces to local business owners. Mr. Katzen states he would consider the possibility. Local business owners are also trying to work out a situation where local business owners and employees can use spaces at the Congregational Church at the top of the hill, which has about 50 parking spaces that are vacant during the day. Chair Harnais states that you like to see businesses energized, and all of the businesses have to work together. Mr. Katzen agrees that if the church did not have spaces and the MBTA did not have spaces and he had spaces available that were not needed by residents, then he would make them available to local business owners.

Member Mikami MOTION to approve the two Minor Modifications for Landing Apartments, 25 Commercial Street (PB File #15-11), as described in Attorney Marinelli’s letter; seconded by Member Downey; voted 5:0:0.

Discussion/Action: Correction Action to Grading Work Completed
Bregoli Lane Definitive Subdivision (File #02-03)
7:49 PM – Five Planning Board Members and one Associate Member participated.

Assistant Director SantucciRozzi has prepared a small packet for the Planning Board, which includes emails from Mr. Bregoli-the developer of the subdivision and Mr. Gabriel-the developer of Lot #4. Staff has been working with the owner of Lot #4, Mr. Kaufman, who hired Mr. Gabriel to construct the house. A Plot Plan was submitted, Mr. Gabriel built the house and he made some changes. The backyard of this house had some water. They have met in the field and worked to come up with a solution, along with Bob Campbell-the Town Engineer. This solution was recapped in an email dated May 29, 2019 (also included the Board Members packet). Lot #3 is also taking on some water. As the subdivision was designed, the lots were supposed to have swales in between the homes. There were some deviations. The plan being reviewed by members shows some design grades vs. as-built grades, and you can see that the deviations in grades started at Lot #2 and continued to Lot #3 (both developed by Mr. Bregoli) and then carried into Lot #4. Basically, she is looking at Lot #3 and Lot #4 and trying to be fair and equitable. She has suggested that the cost for engineering and to remedy this situation be split by both Mr. Bregoli and Mr. Gabriel. As things were not moving along, staff spoke with Mr. Kaufman explaining that she had provided direction, but the individuals were not proceeding. Therefore, she has brought this before the Planning Board tonight asking the Board to support the recommendations made by staff and the Town Engineer in the direction that the cost to remedy this situation be split by both Mr. Bregoli and Mr. Gabriel. Mr. Bregoli has come forward and said that he is not interested in doing that. Mr. Gabriel has said that, if Mr. Bregoli does not split the cost, Mr. Gabriel will do what he needs to on Lot #4. Staff has advised that isn’t the ideal situation. Staff has spoken to both Mr. Bregoli’s engineer and Mr. Gabriel today saying that she would be presenting this to the Board and asking the Board to confirm her recommendations, and if people do not want to cooperate and undertake these improvements, as suggested, then all of the lots (Lot 2, Lot 3 and Lot 4) will be restored to the grades shown on the plan. That will require ripping up all of the backyards of those homes and regrading all of that out. Assistant Director SantucciRozzi confirmed that everyone is here. Staff is looking to be fair and equitable to resolve this drainage issue, and she has been clear that we are not going to be doing any As-Built approval until the drainage on these lots is taken care of.
Paul Mirabito, Ross Engineering, is here on behalf of Mr. Bregoli, and he advises that the situation is quite simple. Mr. Bregoli owned all the lots, and he sold Lots 3 and 4 to private individuals. Mr. Bregoli built the house on Lot 3 and then he sold it. He is living in the original house. Lot 4 was sold, and the owner engaged an independent engineer who changed the grading on the site compared to what was approved by the Planning Board. Mr. Mirabito states he has seen the Plan, and even though the grading changed, it still met the original intent. The problem arose when the site contractor for the homeowner on Lot 4 did not follow the Grading Plan both on the Subdivision Plan and the grading that was prepared by his independent engineer. There is a small piece of land behind the subdivision owned by the Town. Water from Lot 4 has been directed onto that Town property. Mr. Mirabito did walk the site with the Assistant Director on May 25th; the Town Engineer, Bob Campbell, was there. Mr. Campbell did not want the water from Lot 4 to go onto Town property. The problem that Mr. Bregoli has is that the work was done on private property by a private contractor. They didn't follow the subdivision plan or the independent engineer's plan. Mr. Mirabito advises that it is on private property and Mr. Bregoli feels that the issue should be corrected by the homeowner on Lot 4. Mr. Mirabito did see a letter sent by Mr. Kauffman's contractor indicating that he was going to take the work on himself to fix the situation. Since that meeting, Mr. Mirabito spoke with Mr. Campbell and has a punch list to be done prior to pavement. The minor items were taken care of, and the road had finished paving on it last week. Mr. Bregoli is at a point where he is asking for the As-Built and a reduction of the security that the Town is holding. Mr. Mirabito spoke to the homeowner, Mr. Kauffman, and discussed the timeline for finishing the punch list. Mr. Mirabito advised that Mr. Bregoli stuck to the timeline, and he states, as far as they are concerned, the As-Built Plan is complete. The only thing of issue is to have the homeowner take that water going onto Town property and redirect it back to the road. None of the work that has to be done to correct this grading has to be done within the roadway layout. It is all at the rear of the lots. Basically, they put too much fill on Lot 4. Mr. Mirabito does not see how Mr. Bregoli should go onto private property and correct the work done by a private contractor. Mr. Mirabito explains they would like to submit the As-Built Plan, ask for bond reduction and try to get a street acceptance. Mr. Mirabito states perhaps that would put pressure on the homeowner to get his contractor to do the work, and he also mentions that, the way the lot was graded, it was shedding water up against the house. The homeowner had bleeding behind the back door and cracks in the foundation. It goes to show the quality of the work that had been done and why there were deviations in the plan.

Chair Harnais confirms with Assistant Director SantucciRozzi that there was deviation from the design grading. Both Chair Harnais and Member Baker ask why there was deviation from the design. Assistant Director SantucciRozzi states there are still two lots that haven't been built on; this was approved in 2002. Staff explains that the deviations began in Lot 2, and with the addition of Lots 3 and 4 the deviations got worse. There is a berm that Mr. Bregoli put in the back of Lot 3, shown on the plan that raised it up. There is a massive puddle that formed between Lots 3 and 4 because the water isn't moving out to the street in the manner that it should be. Assistant Director SantucciRozzi states that Mr. Mirabito was correct that the design plan for Lot 4 wasn't followed. Chair Harnais states you get to the point where one lot pays the price for the previous deviations along the way.

Member Baker asks where it stands now, and is staff trying to get back to the original As-Built. Staff advises that the As-Built is what is out there now. They came up with a solution in the field with Mr. Mirabito and the Town Engineer on what needs to be done to remedy this. The other solution, if both sides do not want to split the cost of fixing the issue between Lots 3 and 4, is to rip up every lot and go back to original grades. Chair Harnais confirms that the grading that was approved wasn't followed. Assistant Director SantucciRozzi explains that if everything is altered a little bit, it becomes a “domino effect”. There are some things that were done on Lot 4 by Mr. Gabriel, who is here tonight, that were foolish and need to be fixed. Staff says everyone has to work together to get this remedied before the remaining lots are built.
Chair Harnais asks about the initial changes to the grade. Mr. Mirabito states the changes on Lots 2 and 3 were relatively minor. Chair Harnais asks which party has "clean hands" and went by the plans that were approved. Mr. Mirabito agrees neither one; however, he states that Lot 4 had an independent engineer changed the grades from the Definitive Plan. Even though those grades changed, it still met the intent of the subdivision plan to drain the water between Lots 3 and 4 so it didn't go onto Town property. Chair Harnais asks why didn't they just do what was approved, and he explains, once we start allowing people to deviate, it creates problems because the approval of the Boards don't matter. Mr. Mirabito feels that they were asked to do a lot of work, but they have gotten no commitment from the other side. Chair Harnais believes both sides are wrong. Mr. Mirabito asks the town to intervene in finding out when the homeowner is going to have his contractor do the work between Lots 3 and 4. Assistant Director SantucciRozzi explains those parties are at this meeting, but her understanding is that Mr. Bregoli does not want to split the cost. Bob Gabriel, contractor for Mr. Kauffman, explains that he had the site work contractor at Lot 4 yesterday and he was going to do the work this week, but Mr. Gabriel thought it should wait until after the Planning Board Meeting. Mr. Gabriel advises that he could either do what he needs to do within the site, with everything pitched down to the street, or he could do the swale between the lots as was discussed at the site meeting in May. Mr. Gabriel states the problem is that the leaf dump on the Town of Braintree land is about 20 feet higher elevation, and all of that water comes down. Mr. Gabriel doesn't think that is his problem because he wasn't involved in the development or the engineering of the subdivision. Chair Harnais asks Mr. Gabriel what the purpose of the pipe was. Mr. Gabriel advises that Mr. Bregoli had called Mr. Gabriel stating there was 16 inches of water where Lot 3, where Mr. Bregoli was living at the time meets Town of Braintree land. To appease Mr. Bregoli, Mr. Gabriel installed a 4 inch pipe to drain it into the culvert system. Now, Mr. Gabriel is going to remove that pipe.

Member Joyce asks if the pipe dewater the low point on the Town's property into the subdivision. Mr. Gabriel states it does, but they abandoned it right away, and it never really was in operation. Member Joyce asks, with the proposed grading and swale, would the Town's property be draining through that swale as well. Mr. Gabriel states that was discussed at the site meeting on May 23rd. Assistant Director SantucciRozzi confirms that the swale would solve the problem for both Lots 3 and 4, but because we cannot come to agreement on payment, Mr. Gabriel will do what he needs to do on Lot 4, and Lot 3 will have to come up with their own solution. Mr. Mirabito states that prior to the subdivision, the Town's overland flow did come across the Bregoli land and went to the wetlands across the roadway. When they graded that lot in the proposed condition, the swale between the lot line of Lots 3 and 4 was a shallow swale to allow the overland flow from the Town property to continue to come over the property rather than dam it up. Bregoli Lane has only got three catch basins; along the right side of the road there are four foot concrete gullies, which act as recharge units. The overland flow was designed to recharge into the ground, uphill of the wetland. Mr. Gabriel asks why there are no catch basins to pick up that water. Chair Harnais states that was how it was approved based on engineering opinion. Chair Harnais states they can fight this out or chip in and get it done, but his biggest issue is why the plans are not followed. Chair Harnais feels that, if the parties are not going to split the cost down the middle, we should go back to the original approved drawings.

Member Downey asks staff if, at the site on May 23rd, she thought she had agreement between the parties. Staff agrees that was her impression. Member Downey asks what the cost of this job would be. Staff states she did not do any estimating of cost for the job, but they agreed there needs to be a plan that shows the work and costs should be split. Member Downey asks Mr. Mirabito if we can resolve this tonight. Staff does not need the parties to agree; she needs the Planning Board to agree with her determination that they jointly cover the cost or regrade the whole subdivision. If the Board doesn't agree with staff's suggestion and they want Mr. Gabriel to proceed with the changes to Lot 4, then a Plan for that work needs to be vetted.
Member Baker asks, since there are changes on Lots 2, 3 and 4, will making a change between Lots 3 and 4 be just a patch or be a full-time solution. Staff states that Lot 2, while it was not graded according to plan, did not seem to create any issues. The problem is between Lots 3 and 4. The suggestion made in the field and confirmed by the Town Engineer seems to be a permanent solution. Member Downey states we need some buy-in from the parties. Staff refers to her email of May 29th and explains that Items 2 and 3 will be handled by Mr. Bregoli and Items 4 and 5 will be handled by Mr. Gabriel. Item 1 is the one that needs mutual resolution.

Member Joyce asks Mr. Gabriel if he feels like he can achieve the drainage that has been discussed on both Lot 3 and Lot 4 solely on Lot 4 itself. Mr. Gabriel would go to his Merrill Engineer Certified Plot Plan dated October 17, 2017; his contours are close to that plan, and he can easily adhere to that plan. Member Joyce asks if the Merrill Plan and the As-Built Plan are on the same datum. Staff confirms that they are. Mr. Mirabito states, based upon the letter Mr. Gabriel sent yesterday, if he were to do the work on Lot 4, Mr. Mirabito believes that would solve the problem. Then, Mr. Mirabito would go out and do an As-Built of that, put it on their plan and verify it. Mr. Gabriel states that, if he limits his work to Lot 4, it will not alleviate the problem with the Town of Braintree property. Staff reminds that anything not previously approved by the Town Engineer needs further review, as the Town Engineer was pretty stern.

Member Erinna MOTION to provide the parties thirty (30) days to resolve this issue, if they are unable to do so, they will come to the August Planning Board Meeting and there will be directive to go back to the original grading plan; seconded by Member Downey; voted 6:0:0.

PUBLIC HEARING
0/5 Columbian Street – File #08-06
Major Modification of Special Permit/Site Plan Review
VCA Animal Hospital, Applicant
8:30 PM – Five Planning Board Members participated.

Present for the Applicant:
Claudio Sala, Decelle, Burke, Sala Associates

Chair Harnais reads the public notice into record.

Claudio Sala, with Decelle-Burke-Sala and Associates, 1266 Furnace Brook Parkway, Quincy, advises that the Applicant is the VCA Animal Hospital. Mr. Sala is covering for Jim Burke, who had a scheduling conflict. Mr. Sala reads Mr. Burke’s Project Narrative, which is on file in the Planning Department. Mr. Sala explains that VCA is looking to expand their services by providing a Medical Linear Accelerator for pet owners in the area. VCA proposes to construct a small addition to the hospital to house the system in the front. The hospital and the property are on the easterly side of Columbian Street. The parcel is 110,741 square feet with 17,318 square feet of it in Braintree. The site supports 28,714 square feet of animal hospital along with an existing 120 space parking lot that services both customers and employees. The property is zoned Business B-1 in Weymouth (assessed as two lots), while the other two assessed Braintree Lots are zoned General Business. The frontage and access is off Columbian Street. The northerly adjacent parcel is at a higher elevation and supports an auto dealership. The southerly abutting parcel is also an auto dealership and on a slightly higher elevation. The rear of the property is mostly wetland owned by the Town of Weymouth. Mr. Sala provides detail on vehicular and pedestrian access as well as utility services and drainage. Water and sewer are provided by the Town of Weymouth. Electric and Gas are provided by NSTAR. Communications are managed by several providers including Verizon and Comcast.
The proposed addition is in the northwest corner of the building and mostly located in Braintree. The addition will have access from inside the building but will not have egress to outside the building. It requires several parking spaces to be relocated, which results in the loss of two existing parking spaces at the corner. The addition is proposed in a predominantly landscaped area and results in a net additional 308 square feet of impervious area. The finished floor shall match the existing building. There is negligible impact on stormwater management. The addition’s roof runoff is captured by existing catch basins. Utility services will be supplied from the existing building. The construction will be confined to the northwest portion of the site and have minimal effect upon ongoing use of the building. They will fence off 20 parking spaces, as a staging area for the construction. Mr. Sala describes how they will handle off-site sediment. The project will have no impact on the wetlands in the rear of the property. Filing with Weymouth Conservation Commission is not required. No access or alteration to the State Highway Layout is required nor is a permit application with MassDOT necessary. Mr. Sala presented their proposal to remedy the loss of two parking spaces.

Chair Harrais opens discussion to the public. There are no questions or comments from the public.

Member Baker confirms the services being provided in the addition and that there is no direct access from outside. Mr. Sala confirms and states the walls are three feet thick and completely enclosed with access from inside through a steel door. There is a control room for the room that is totally separate. Member Baker confirmed that the two spaces being lost are potentially being replaced elsewhere. Mr. Sala states there is a high demand for parking. Mr. Sala states there are 247 total employees; however, only 50 are there at any one given time. There are five departments in this hospital, and each department has up to five shifts per day. The average number of clients at the facility per day is 185. VCA is adding this service to their hospital so that people don’t have to schedule it elsewhere. Member Baker confirms that there are currently 120 parking spaces.

Member Downey confirms that the applicant does not expect additional traffic flow. Member Downey confirmed that the property was partially located in both Braintree and Weymouth and asked to be shown the split on the plan. Mr. Sala confirmed that they will be going before the Weymouth Planning Board next month.

Member Mikami states this is a relatively innocuous project, but there are pictures in the Staff Report that Mr. Mikami concurs with. Every time Member Mikami drives by this facility there are cars parked on Columbian Street, and he can think of no other vendor that has parking on either side of the street. Member Joyce pointed out that our Zoning Bylaw requires one space per 500 feet, which is 56 spots. However, you have 50 employees. Member Mikami states the 50 employees and 185 clients probably account for the spillage onto Columbian Street, and he is not sure about the rules for parking on Columbian Street. Clearly something needs to be done about the parking because it doesn’t fit, and Member Mikami thinks a parking study needs to be done. This is something that needs to be reviewed.

Director Stickney is not sure that it is customers from the Animal Hospital. There is an ongoing situation where the auto repair service next door stores more vehicles than are allowed, and they are notified each year when their license renewal comes up. Director Stickney is 95% sure that those cars are from the auto repair service next door. The Planning Department has asked for enforcement in the past. In fairness to this Applicant, we should ask for enforcement again. Director Stickney suggests asking the Applicant to verify that the parking on Columbian Street is not being done by employees of VCA. Member Mikami states that if the abutting business is taking advantage of the Animal Hospital property, maybe we need a clear indication from the Animal Hospital that those cars in front are not theirs, so that we can take it to law enforcement. Member Baker wonders if law enforcement can do a “Tow Zone”. Assistant Director Santucci-Rozzi’s recommendation would be to have them heavily landscape the front area so that nobody can park on it.
Director Stickney states the Applicant should provide a letter stating there is no employee or customer parking being done and that the Applicant is not leasing part of the lot to Pedulla. Mr. Sala knows they are not leasing spaces, as they need all of the spaces they have. Member Mikami suggests, in order to move this along, that the Applicant provides a letter that says “these vehicles are not ours”. Secondly, the Applicant should explicitly state that they are not renting any part of their parking lot to any other companies. The third thing would be to get creative about landscaping and somehow deter people from parking there. Mr. Sala discusses landscaping the area that is lawn and maintaining the site distances; he is not sure whether there should be a sidewalk in the gravel area for pedestrian access. Assistant Director SantucciRozzi suggests calling District 6 to have cars towed, as you cannot park on a state highway. Assistant Director SantucciRozzi states that if anything preventative is installed, like a bollard, we would have to reach out to Mass State Highway.

Member Downey suggest signage preventing parking on sidewalk. Member Mikami states, if there was police action in the form of a few towed cars that would send a message. Mr. Sala confirms that the Planning Board wants something in writing stating the individuals parking along the road are not their customers or staff. Member Mikami agrees with Assistant Director SantucciRozzi’s idea about landscaping. Member Mikami states that the Applicant needs to be pro-active in clearing the “line of sight” in the egress area.

Staff Planner, Connor Murphy, clarifies that there are a couple of administrative issues, and staff has not prepared any findings or conditions for this Hearing. We are missing the Record Plans for the previous decision. In addition to that, the As-Built was never exercised and is still outstanding with the previous project that was approved for this property. Staff is recommending that this matter be continued to the next meeting to allow the Applicant to prepare an As-Built Report for this property, as well, they will probably have additional information as requested tonight. Mr. Sala mentions that he was told the As-Built Plan was done in 2012 and possibly submitted to the client.

Member Mikami MOTION to continue this hearing until the Planning Board Meeting on August 20, 2019 at 7:15 PM; seconded by Member Downey; voted 5:0:0.

PUBLIC HEARING
345-395 Quincy Avenue (Assessor’s Plan 3045/Plot 01) – File #19-07
Preliminary Subdivision – Citgo, Applicant
8:55 PM – Five Planning Board Members participated.

Present for the Applicant:
Valerie Moore, Attorney - Nutter, McClennon & Fish
Doug Heely, Environmental Strategies & Mgmt.
Joe Callahan, Environmental Strategies & Mgmt.

Attorney Valerie Moore, Nutter, McClennon & Fish, states they would like to request a continuance to the next meeting because they were just handed the Staff Report, and they haven’t had a chance to review it.

Attorney Moore would like to ask for guidance on one of the issues – specifically the test pits, which the regulations state may be required. The entire site is serviced by sewer, and they are not proposing any changes to that. In anticipation of the next meeting, the Applicant would like to know whether the Planning Board would require that test pits be done. Director Stickney reminds that this is a 45 day preliminary plan and confirms with Attorney Moore that they are agreeable to extending the date for filing the decision.
Member Downey MOTION to continue this hearing until the Planning Board Meeting on August 20, 2019 at 7:15 PM with an extension for the decision deadline until August 30, 2019; seconded by Member Joyce; voted 5:0:0.

CONTINUED PUBLIC HEARING
144 Allen Street – File #19-04
Special Permit and Site Plan Review
Applicant: 144 MPB Nominee Trust
8:58 PM – Five Planning Board Members participated.

Present for the Applicant:
Brian Palmucci, Attorney
Chi Man, Project Engineer

Assistant Director SantucciRozzi reminds Chair Harnais that we opened this Hearing and continued it twice; therefore, the Public Notice has already been read.

Attorney Brian Palmucci appears on behalf of 144 MPB Nominee Trust and its sole beneficiary, Mark Bogan. Also in attendance is Chi Man, Project Engineer for this project. They are here before the Planning Board for a Special Permit and favorable Site Plan Review. The Site Plan Review is applicable here because the project calls for a new structure that is greater than 500 square feet. It is currently a vacant lot at 144 Allen Street. Mr. Bogan is seeking to construct a commercial building on the site that will be comprised of six individual contractor bay units. The building would be 82 feet by 48 feet and two stories in height. Due to the grade of the site, it slopes significantly from the street level towards the rear of the site, the building will only appear as a one-story building from Allen Street. The second story will be in the back sub-grade. The 3 front units will be accessible from Allen Street, and the 3 rear units will be accessed along a right-of-way across Mr. Bogan’s adjacent parcels. There is a 10 foot right-of-way on top of an existing 20 foot sewer easement. That easement has been maintained and kept accessible for about 100 years. It will continue to be kept accessible if this project were to be permitted and move forward. Twenty feet is ample for site traffic that the 3 rear units will generate. Each individual contractor unit will only be about 1300 square feet. The Applicant doesn’t anticipate that these would be the type of units where there would be any heavy equipment or trucks that would have beeping reverse indicators. It is going to be geared towards an individual carpenter or painter, and there would only be a work truck or van accessing the unit. There would be minimal traffic. Attorney Palmucci submits to the Planning Board that the design and construction of this project is not of the nature that would cause a detrimental impact to the neighborhood. It is consistent with the commercial uses that are already in the area, and the single level is consistent with the other residences in the area. The project and proposal relates well with existing structures and uses that are already in that area. As it relates to the Special Permit, the Applicant is seeking an exception to the 100 foot buffer zone area between the proposed commercial use and the residential district that is adjacent to the site. While the parcel is zoned Residential B, it is also zoned Commercial. It is a split-zoned lot. The two adjacent parcels to the east and west are residential in nature. In working with Staff, this was filed in January of this year, the Applicant was advised to approach this not as a change in use, but as a change in zoning. Therefore, they sought variances from the Zoning Board for the creation of a commercial structure using commercial lot density regulations. The Applicant was advised by staff to proceed as though the lot were commercially zoned, which is the intended use. The Zoning Board granted zoning relief for the dimensional requirements of a commercial lot. The dimension of the lot creates a hardship for the Applicant to comply with the 100 foot buffer, as the lot width on the Allen Street side is 127 feet.
The lot also has a somewhat irregular shape, and it has a severe slope with an 18 foot change in elevation from the front of the parcel to the back of the parcel. Attorney Palmucci suggests that the Applicant would have great difficulty in complying with the regulations and requirements of the transition area. The buffer in the front of the parcel meets the requirement. The two side buffers are undersized to the two residential lots on either side. Both of those buffer zones are approximately 20 feet. On one side is a property owned by Mr. Bogan; on the other side is a residential lot owned by Mr. Mamoud, 150 Allen Street. Mr. Bogan has worked extensively with Mr. Mamoud, and Attorney Palmucci has a letter from Mr. Mamoud asking the Planning Board to accept this letter as record of his recommendation for approval of the proposed project by Mr. Bogan. Mr. Mamoud's letter states that Mr. Bogan has been a good neighbor ever since he acquired the property; since Mr. Bogan acquired the property, he has been maintaining it well and helping Mr. Mamoud clean up his rear yard, which is inaccessible from the street level. Mr. Mamoud feels that the proposed building will not only improve the street scape but also benefit the city in tax revenue. Mr. Mamoud confirms that Mr. Bogan has reviewed the proposed site plan with him and proven that there is enough landscape and buffer between Mr. Mamoud's house and proposed facility. Mr. Mamoud is satisfied with the current design and would like to express his support of the project, as submitted. There are a significant amount of trees between the two properties on Mr. Mamoud's side of the parcel. The Applicant proposes adding additional trees for even more screening, as well as some additional plantings that would help improve the area. With these additional plantings, the Applicant believes this proposal meets the purpose of the buffer zone regulation.

Mr. Palmucci explains that the location of the project is set 30 feet off of Allen Street, which was done on purpose because Mr. Mamoud's property is only set 3-4 feet off of Allen Street. This creates a distance buffer between the proposed building and Mr. Mamoud's home. The rear of the site is crushed gravel; the Applicant proposed to pave that. They wanted to reduce the rear lot area because the project does not require that much parking and the bays will have interior parking. The Conservation Commission request that we extensively pave that area. They wanted all of it paved so that it would be easier to maintain to prevent any material from running into or washing down into the river. Mr. Mamoud's rear property consists of a very dense wooded area behind his home. It is not used by Mr. Mamoud. The paved area and back area of Mr. Bogan's property present no negative impact to Mr. Mamoud's property. The Applicant is confident, as is Mr. Mamoud, that the buffer area is sufficient to minimize any potential nuisance that would occur from this site. Mr. Palmucci suggests to the Planning Board that this project will not be detrimental to the surrounding area, and they will be requesting a favorable action by the Planning Board to allow the Applicant to proceed. Attorney Palmucci states that they had attended the June Meeting, and, after being provided the Staff Report just prior to the meeting, found that there were a significant number of issues, specifically landscaping, that staff felt the Applicant could do a better job of. They went back to the drawing board and submitted a new plan, as well as some additional clarifying information. Attorney Palmucci has tried to address all of the issues in Staff Report II that they received earlier today. Issues that they have not been able to address are site lighting. There is no sight lighting being proposed other than lighting over each of the six doors. The extent of the paving was a direct request of the Conservation Commission; Mr. Bogan would prefer not to spend the money. There was a concern about location of zoning district lines. Attorney Palmucci refers the Board to the Town Engineer's letter from May 2018 in which he confirmed that the distances the Applicant had calculated qualified for the split zone regulation. The only other issues raised in the Staff Report that they haven't addressed is the water runoff, and Attorney Palmucci will turn the discussion over to Mr. Man to address water runoff and the improvements that will be made to the site to make sure there is no negative impact.

Chi Man, Engineer, Hardy Man Design Group, provides a quick overview of the drainage design, and Mr. Man wants to emphasize that the project (all calculations and drainage) has been approved by Conservation Commission. They applied for a Notice of Intent through the Conservation Commission and had multiple hearings.
Mr. Man highlights the Site Layout, which shows where the proposed building and proposed parking lot are located. He explains that the roof of the building is pitched both in the front and back, and they will have gutters in the front and the back which will lead to an underground detention system. There are 4x4x4 concrete galleys. The parking area will be serviced by catch basin and a sump manhole. They will provide a pretreatment before it goes to infiltration. Based on DEP guidelines, infiltration will provide 80% TSS removal. They do have overflow pipe in case of excessive runoff. The system will overflow onto the paved area of the parking area. The site is sloped from the front to the back. They are not changing the grade of the rear paved area. Mr. Man also states that Conservation Commission asked them to pave the lot in the back. On the Design Plan they created a sediment fore-bay and a bio-retention area that will collect the runoff from the parking lot and treat it before it runs into the river. Currently, there is no stormwater management system onsite, so all the runoff runs down into a small channel and goes into the river. This project, not only will manage the runoff, but it will reduce the amount of runoff and enhance the water quality.

Chair Harnais opens discussion to the public. There are no comments or questions from the public.

Member Baker’s only concern is the height of the retaining walls being installed. He realizes that the grades are high and low from the front to the back, but he wonders if the Applicant has any elevation markers that show what the top of the wall is and what the bottom of the wall is from the neighbor’s point-of-view on the right side because you are building the wall right on the abutting property. Mr. Man explains that the height of the wall will come up three feet above grade. The parking lot is at elevation 33 roughly. The bottom of the wall is going to be 30, so the wall is acting like a barrier. It follows the existing grade to slope down. Member Baker asks about the wall on the opposite side and if it was being built right on the property line. Mr. Man states yes. Attorney Palmucci clarifies that Mr. Mamoud owns the property on the left and Mr. Bogan owns the property on the right. Mr. Bogan’s property is commercially zoned, but there is a three-family on it currently. Mr. Man explains that the retaining wall will be holding up 2-3 feet of soil, and the wall will shield any lighting intrusions. Member Baker asked for clarification on what is being paved. Attorney Palmucci explains that the back currently has crushed gravel, but given the slope of the site and the fact that runoff goes into the channel, Conservation Commission wanted them to pave all of it. Mr. Man explains that the Conservation Commission feels that it is easier to maintain if it is paved. Attorney Palmucci explains that it is far more paving than they would need or want, and it is an added expense to pave it. Member Baker asks if they have thought about snow storage. Attorney Palmucci states they have not delineated it on the plans, but given the amount of paved space paved in the back, it will probably be pushed to the side. Mr. Man wanted to point out that under Conservation approval, the paving line is all the way to the property line; however, on the Plan submitted to the Planning Board, they held back 20 feet. Attorney Palmucci explains they are somewhat the “monkey in the middle” because Conservation wanted them to pave directly to the property line. There is 100 foot buffer that they have to meet.

Member Downey confirms that there are going to be six units of contractor bays, and he asks what the intent of the units are. Will the Applicant be using them for his business? Attorney Palmucci explains that, given the size and weight limitation of the units, they will probably be rented out to a small contractor for small pickup trucks or vans. Member Downey confirms that it would be for storage of vehicles and/or contractor tools.

Member Mikami mentions that this is a very controversial spot. Member Mikami disagrees with Attorney Palmucci, and he thinks it is very impactful on the neighborhood. Member Mikami explains that Allen Street has a variety of issues through the years. First and foremost, it is a residential neighborhood right where this potential project is supposed to be.
Member Mikami notes, according to the Staff Report, that this project would not be allowed under the draft zoning ordinance. Member Mikami asks for the Applicant's comment on that. Attorney Palmucci thinks that the seeking of this permit and anything done with this permit is at risk unless and until that zoning were to be voted on. Member Mikami confirms that Attorney Palmucci recognizes that it is a residential neighborhood. Member Mikami feels it is a controversial area, he has concerns about the intensity of the use, and he has concerns about the size of the vehicles that are allowed. Member Mikami feels that, if this proceeds, vehicle size needs to be restricted. Member Mikami's other concerns include getting in and out of that spot, the elevations, the buffering and the residential aspect. Member Mikami asks if six units is appropriate for that location and wonders if it should be less. Attorney Palmucci explains that when you are looking for a site for development, you are bounded by the size and topography of the site, and that is how this process unfolded. Attorney Palmucci highlights the other properties owned by Mr. Bogan and the zoning in the area, and he appreciates that the Town efforts to have a more global vision in terms of what a consistent zoning should be for that area. Unfortunately, Mr. Bogan had purchased this property and was well underway with his plans and working with the Town to try to put forth a redevelopment vision for this site. Attorney Palmucci explains that Mr. Bogan has not proposed a larger, denser project, seeing that he owns abutting properties, because he is a good community partner and his business depends upon good will with residents of the town. Attorney Palmucci points out that at the Conservation Commission, Zoning Board and now Planning Board meetings they have attended, there has been no community opposition. While a six-unit contractor bay commercial building isn't the best and highest use of this parcel, it is a reasonable and consistent one. If it wasn't reasonable and consistent with the area, we would see a significant amount of opposition from residents. Member Mikami states this is a challenging property, and he needs to think about this use particularly because of the zoning rewrite. Member Mikami suggests that the Applicant think about additional restrictions that they are willing to make in terms of types of vehicles, intensity of the hours of use, etc. Member Mikami is particularly concerned about traffic and size of trucks.

Member Baker asks if there are any Architectural Plans to show what the bays look like. Assistant Director Santucci-Rozzi states in the first packet, there is an elevation and a rendering; however, they do not match and that was one of the comments in the Staff Report. Mr. Man explains that in the rendering the garage door and mandoor are flipped. Member Mikami agrees with Member Baker in that robust drawings are necessary. Member Baker wants the project to blend in with the neighborhood and not be a pre-fab structure. Staff has recommended that elements of some of the area dwellings, like roof lines, windows and exterior materials be used on this project to provide a less commercial appearance.

Member Joyce seconds a lot of Member Mikami's comments regarding the use within the residential area, how we can have elements that blend in and which vehicles are recommended. It is unclear to Member Joyce and the Staff Report asking for clarification on items is pretty extensive. If the Applicant can work through these items with staff and provide that additional information, it will be really helpful in trying to determine more of the impact. Member Joyce struggles with understanding the stormwater system, and she would like to see more detail in the Stormwater Management Report. It is hard to understand what the existing conditions are. She doesn't see any gravel limit lines, and it is hard to see what is changing from existing conditions to proposed. Member Joyce didn't see any pre and post drain mapping to understand what things are planned. That is the kind of information she would like to see. The Staff Report is asking for that information, as well. Member Joyce suggests that the Applicant work through the Staff Report and Member Mikami's comments.

Attorney Palmucci states they are happy to do that, to the extent that they can. They are happy to return on another date to provide additional information. Attorney Palmucci's only concern is to make sure they cover everything that the Planning Board wants to see in the plan, rather than coming at a later date and finding additional requirements.
Attorney Palmucci is clear on the architectural elements requested by Member Baker. He also understands that he has some work cut out for him to sell Member Mikami on the overall concept of a commercial use there. Member Mikami states that Planning Staff is great in that they look at everything; he drove by the site and concludes that it is a challenging spot. The neighborhood has had the electric company in that area for years, they have traffic going into the Landing, there is the railroad and you have a residential neighborhood. Member Mikami is not buying the argument that this fits neatly there. Member Mikami states, if you want to come in to do a project, despite what Conservation and Zoning says, you have to check all the boxes. Given the fact that this is a challenging area, the staff knows way more about it and they have definitive opinions.

Attorney Palmucci would appreciate if his client would have the opportunity to come back before the Planning Board with some updated information for the Board’s consideration. Assistant Director SantucciRozzi discusses upcoming meeting schedules and mentions that her last Staff Report was very light and did not have a lot of comments because the Application was so lacking and didn’t include any reference whatsoever to the 702 buffer. Staff asked Mr. Palmucci to supplement the file; she will provide commentary on any new materials. One of her main concerns with this proposal is that it is a lot. The paving is extensive, and they are at the Open Space limit. The comments on the Conservation Commission wanting pavement – yes this is better for erosion and sedimentation. However, grass is better than all of that. Looking at the buffer, this lot has always been used for residential purposes; it is the Applicant who has chosen to invoke the split lot and use it commercially. Staff feels as though the building and all that is needed for circulation and parking is all that should be paved on this property. The rest of the property should be landscaped with open space. There is a lot of extra pavement and that will lead to extra area to do a lot of extra things that are not going to be welcome in this particular lot. Staff is not sure if the Board shares that opinion. Chair Harnais states they prefer as least amount of pavement as possible. Attorney Palmucci is fine with going with the September Meeting.

Member Downey MOTION to continue this hearing until the Planning Board Meeting on September 10, 2019 at 7:15 PM; seconded by Member Baker; voted 5:0:0.

CONTINUED PUBLIC HEARING
20 Trefton Drive – File #19-05
Special Permit/Site Plan Review (Two-Family Conversion)
Chun Patterson, Applicant
9:45 PM – Five Planning Board Members participated.

The Applicant’s daughter, Christine Patterson, provides an overview on the proposed project for 20 Trefton Drive. Since the last meeting, the Applicant has updated her floor plans to fulfill the Planning Board’s requirements. Some of the major changes were updates to her driveway, the basement and garage floorplan, the proposed vegetation and the patio. The Applicant will excavate and grade an area for the new driveway; she will bring in a necessary amount of gravel to compact for the new driveway base; there will be a binder coat for the driveway, and they will apply a finish coat.

For the proposed vegetation, the Applicant will be adding shrubs, which are azalea and rhododendron, beside the porch and in front of the house. As far as the pool, since the last meeting, the Applicant has had a change of mind about the pool for safety reasons. She has shown an updated plan that she would like to fill the pool in. She will pump out the water, break down the walls and concrete patio, dispose of pool liner and cover, bring in fill, as needed, to fill in the pool area and bring in loam needed to finish grading the area. She will hydro seed the area, when it is completed. There may be a few minor things not covered from the Staff Report.
Chair Harnais opens discussion to Planning Board Members.

Member Baker likes how the parking is all on one side.

Members Downey and Erinna have no questions or comments.

Member Mikami asks the staff for comments; Staff Planner, Connor Murphy, advises that he has been working with the Applicant on getting a new Site Plan and seeing improvements to it. Mr. Murphy explains that the Applicant did reflect Member Baker’s comments regarding a proposed patio; she did add more parking according to the Board’s comments. She did provide the basement plans, as requested by the Board. The Staff Planner confirms that the Applicant has been working diligently with Staff to address a number of the issues. There are two small items that still need to be added to the Plan. The parking situation is a little tight. The Staff Planner asks the Applicant whether they think a car can back out and easily drive out. Staff states that the Applicant has 11 ½ feet behind the parking space to back out of a 90 degree space and go in the opposite directions; staff does not think that is enough space. Typically with a 90 degree space, you have a minimum of 20 feet. Respectfully, the plot plan was done by a surveyor who is now laying out parking spaces and showing grading. That should be laid out by a Professional Engineer because unfortunately he has laid something out that doesn’t work. The Applicant’s daughter confirms that the space should be 20 feet wide. Member Joyce explains that a typical car is 20 feet long, and in order to back that car out you need generally the same length as the space. That varies, but it is generally around 20 feet. Member Joyce states the other concern is the grading, as it is misleading. It is pretty steep in that area for cars to park; you may need to level it out. While this design may be feasible, it needs a harder look by an engineer who may be able to help you figure out how to get parking spaces back there. Member Joyce states that the person the Applicant hired (C.S. Kelly) should be able to help her revise the plan in this manner or refer her to someone that can help her do that. Member Joyce asks what the required number of parking spaces are for this. Mr. Murphy clarifies that it is four spaces. Member Joyce asks if they are allowed in tandem. Mr. Murphy says yes but reminds the Board that this design was as a result of the discussions at the last meeting. There were residents at the last meeting that had a similar project, with a prior Planning Board, who required them to have six parking spaces when the requirement was four spaces. Mr. Murphy explains, with this type of Special Permit, we want to keep a single-family feel and not have two driveways (one on either side). Assistant Director SantucciRozzi explains they could have tandem parking, and with new zoning they are proposing a four-foot buffer. However, this property has a four-foot drop so you would need a guardrail or something. We don’t want to have a situation where they are backing up downhill. Member Baker discusses some suggestions around parking; Member Joyce asks about sidewalk. Mr. Murphy clarifies that it is Cape Cod berm with concrete sidewalk. Member Baker said you probably could have 18 feet with a four foot buffer.

Chair Harnais suggests continuing this hearing so staff can work out these issues with the Applicant.

Member Downey MOTION to continue this hearing until the Planning Board Meeting on September 10, 2019 at 7:15 PM; seconded by Member Baker; voted 5:0:0.

CONTINUED PUBLIC HEARING
60 Columbian Street – File #19-06 - Site Plan Review
Applicant: Brigham and Women’s Hospital
10:00 PM – Four Planning Board Members participated. Chair Harnais is recused; Associate Member Hector Erinna participates.

Assistant Director SantucciRozzi explains that this matter was already penciled in to be continued to the August 20, 2019 Planning Board Meeting and needs a motion to continue the Hearing.
Member Mikami **MOTION** to continue this Hearing to the Planning Board meeting on August 20, 2019 at 7:15 PM; seconded by Member Downey; voted 5:0:0.

Chair Harnais returns to the meeting and requests that there be an update on Independence Avenue at the next meeting.

Member Downey **MOTION to adjourn** the meeting; seconded by Member Baker; voted 5:0:0.

The meeting adjourned at 10:01 PM.

Respectfully submitted,
Louise Quinlan, Planning/Community Development