Braintree Planning Board – September 10, 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 Santucci-Rozzi, Assistant Director
Connor Murphy, Staff Planner

Chair Harnais calls roll at 6:40 PM. Five (5) members and one (1) associate member are in attendance.

MOTION made to go into Executive Session voted by individual member roll call 5:0:0. The Board will discuss the matter of Amazon.com v. Braintree Planning Board, Land Court No. 18 MISC 000436 and possible resolution of same. Chair Harnais announced to the public after the Executive Session they will return to the scheduled open session Planning Board Meeting.

There is a MOTION to adjourn the Executive Session voted by roll call 5:0:0.

The Executive Session ends at 6:51 PM, and the Planning Board returns to the regularly scheduled open session Planning Board Meeting at 7:03 PM with a roll call. Five (5) members and one (1) associate member are in attendance.

NEW BUSINESS/OLD BUSINESS
Request for Minor Modification to Special Permit (s) and Site Plan Review
250 Granite Street – File #08-03 – Requested by Target Stores
7:03 PM – Five Planning Board Members are participating.

Assistant Director Santucci-Rozzi advises that she has not received any follow-up from the representative for the Target proposal. She did speak with Tim Fox from Simon Properties and discussed a couple of locations; however, they haven’t provided any plans. This matter will be tabled and brought back, if needed.

NEW BUSINESS/OLD BUSINESS
Request for Minor Modification to Special Permit (s) and Site Plan Review
1515 Washington Street – File #18-15 – Requested by: Foxrock 1500 Campus Realty
7:03 PM – Five Planning Board Members are participating. Chair Harnais recuses himself, and Associate Member Erinna participates.

Appearing on behalf of the Applicant:
Glenn Dougherty, Civil Engineer-Tetratec

Assistant Director Santucci-Rozzi advises that Glenn Dougherty is here on behalf of Foxrock Properties. Staff advises that in the Board’s packet is an exhibit showing new drainage improvements in the bottom left-hand corner of the plan.
Glenn Dougherty, Civil Engineer with Tetratex representing Foxrock 1500 Campus Realty at 1515 Washington Street reminds the Board that they were here before Planning Board in mid-May and received a Modification to the Special Permit.

Since that time, one of the conditions was to do soil evaluation testing for recharge of roof drainage on the northside of the 1515 building (in the green area on the plan). Cindy O’Connell, from the Town’s DPW Stormwater Division, accompanied Mr. Dougherty, and observed that the soils were not suitable for recharge at all, there was shallow ledge and there was lots of fill material. They have revised the plan, which was approved in May, to find suitable soils that will provide infiltration. That will be in the southwest corner of the site (in the blue area on the plan). There is a parking lot that exists today and is not actively used. It needs a lot of rehabilitation. Foxrock wants to rehabilitate this parking lot that has been fenced and gated off. It would provide 112 parking spaces; it requires some minimal site grading to make sure the drainage works. They are putting in two catch basins tied together with a water quality unit, a water quality inlet at the entrance and they found suitable soils to do infiltration recharge using a Stormtech SE740 Chamber System at the entrance to the parking lot. They were able to slightly decrease the amount of impervious pavement from existing to the proposed by shaping the parking lot. They are treating stormwater and providing some recharge. On the north side, besides deleting the Stormtech chambers, they are retaining the previously proposed and approved water quality units that service the rest of the campus.

Vice Chair Joyce asks staff for their quick overview on the Minor Modification. Assistant Director SantucciRozzi explains that she has been working with Foxrock and TetraTec going over the conditions. They have started internal work. There were several other things in the approval that required an inventory and cleaning of the drainage system, which has been done. They have inventoried the entire parking lot and provided staff with a phased repaving plan and curbing repair plan, as well. The situation related the stormwater is explained; this parking area is in significant disrepair and really could use some sprucing up. While this particular portion of the campus isn’t on the same property as 1515, it is draining into the same design point. In the Staff Report she has gone through the conditions related to the drainage system and made some very small modifications, carrying over the requirements of the Operations and Maintenance Plan to this portion of the system. She has added an extra condition in the event Foxrock sells #1525 stating that part of that sale is the ongoing maintenance requirements and conditions contained in this particular decision related to that stormwater improvement and parking area. Staff has no other comments and supports the proposal, as submitted.

Member Baker confirms the extra parking is not needed for the design. Mr. Dougherty states that is correct; it is not necessary to meet the parking requirements for the overall campus. The parking lot is there and fell to disrepair. They are not adding to impervious to it, and it will provide good stormwater management quantity and quality control. Member Baker confirms that there is an updated Site Plan with vegetation and plantings. Staff confirms that was also done.

Member Mikami asks what the new area had been used for. Mr. Dougherty states it has been gated off. Assistant Director SantucciRozzi states, prior to Mr. Dougherty's involvement, under previous ownership and tenants, this area was heavily used for tractor trailer storage containers for one of the businesses on the property. When that tenant left, that area was no longer utilized. Member Mikami states this helps to solve draining issue and provides additional parking above and beyond zoning requirement. Mr. Dougherty states it needs to be regraded, repaved and stormwater devices added to it. Mr. Dougherty states impervious surface is being slightly decreased because they are creating some landscaping in divider islands.

Member Joyce has no further questions or comments.
Member Downey **MOTION** to approve the Minor Modification to File #18-15, 1515 Washington Street; seconded by Member Erinna; voted 5:0:0.

Vice Chair Joyce explains that Public Hearings will be started at 7:15; Chair Harnais will rejoin the meeting.

**NEW BUSINESS/OLD BUSINESS**

**Request for As-Built Approval**

40 Bowditch Street (Grading Permit - File #18-01)

Requested by: Stephen Zeboski

7:14 PM – Five Planning Board Members are participating.

Staff Planner, Connor Murphy, explains that on March 22, 2018 the Planning Board granted approval for a Grading Permit with findings and conditions. This decision allowed for the reconfiguration of an undersized lot and to provide support for the construction of a single-family dwelling. The project involved clearing, cutting and filling with an import of 275 Cubic Yards. In addition, as part of this approval, there was a minor drainage system installed at the back portion of the lot underneath the patio. Attached to the Staff Report are pictures of the lot that were taken on Thursday, September 5, 2019. It has been built per the approved plans. Attached to the Staff Report is the As-Built Plan. Chair Harnais confirms with staff that they have satisfied all conditions.

There are no questions from Planning Board members.

Staff Planner, Connor Murphy, recites the conditions that staff recommends be survived; they are Conditions 1, 5, 12, 20, 22, 31, 36, 38 and 40.

Member Downey **MOTION** to provide As-Built Approval for File #18-01, 40 Bowditch Street, with surviving Conditions 1, 5, 12, 20, 22, 31, 36, 38 and 40; seconded by Member Mikami; voted 5:0:0.

**NEW BUSINESS/OLD BUSINESS**

**Discussion/Action: Project Status/Occupancy Permits**

#9 (Formerly) 7, 7R, and 11 Independence Avenue (Special Permit/Site Plan Review - File #14-06)

Requested by: Thomas Fitzgerald

7:16 PM – Five Planning Board Members are participating. Member Erin Joyce recuses herself from this discussion; Associate Member Hector Erinna sits in.

Assistant Director SantucciRozzi wants to provide the Planning Board with a quick update. There was significant progress on rectifying the issues that the Planning Board had discussed through the spring. Things were moving at a nice pace, but they have slowed down. Staff has reached out to Mr. Clements before the last meeting, but there was a quorum issue. Basically, the outstanding items are: (1) HVAC screen for the dumpster, which staff has informed will be completed the week of September 16; (2) the sidewalk on Independence Avenue, which has a plan and needs a sign-off from DPW (this needs to be done by winter); (3) Additional landscaping; (4) working with one of the neighbors on Holmes Street, which staff advises they were doing but nothing has been completed; (5) Landscaping Plan for restoration of Independence Manor, which was required to be submitted in May 2019 and she has yet to see it. Staff has asked for this by the end of this week, as she would like landscaping installed by the end of September; and (6) reconstruction of Oak Grove Terrace – staff’s understanding is that the Applicant is working through Quincy DPW.

Staff advises that we have been issuing Certificates of Occupancy and accepting bonds for these certificates, and she would like to provide a cap for this at 15 unit certificates until some of these items are resolved. Staff is
requesting a motion from the Board to hold to the 15 units if the work highlighted at this meeting is not progressing. Staff states we need to try to keep the pace going.

Member Mikami asks if there was a limit in the last discussion capping the number of units that could get Certificates of Occupancy. Staff advises that there wasn’t. Staff confirms that they have sold seven units.

Member Mikami **MOTION** to support staff comments and cap Certificates of Occupancy at 15 units until progress is made on outstanding items: seconded by Member Downey; voted 5:0:0.

Member Joyce returns to the meeting.

**CONTINUED PUBLIC HEARING**

20 Trefton Drive – File #19-05
Special Permit/Site Plan Review (Two Family Conversion)
Chun Patterson, Applicant
7:20 PM – Five Planning Board Members are participating.

**Appearing on behalf of the Applicant:**
Robert Crowell, Civil Engineer
Christina Patterson, Applicant’s Daughter
Chun Patterson, Applicant

The Applicant’s daughter, Christina Patterson, provides a brief overview of the project explaining that the Applicant is requesting a Special Permit to convert a single-family house into a two-family dwelling. This is the Applicant’s third meeting regarding this project. The Applicant has updated plans to meet the Planning Board’s criteria; they have done work in the parking lot area. It was beyond the license of the Applicant’s plot surveyor, and it was suggested by the Planning Board that the Applicant hire a Civil Engineer to rework to address the safety concerns of the driveway; therefore, the Civil Engineer is here this evening.

Robert Crowell, Civil Engineer-Crowell Engineering, states in addition to the Plan work, they did a small drainage analysis. Mr. Crowell explains where the existing road and driveway came up to. Mr. Crowell highlights on the plan where they have curved and provide a 13½ foot radius with a four parking space deck. They regraded the area around the existing pool, which is going to be removed or filled in. They regraded that area and installed steps. They have a small concrete wall on the side. They have a small detention basin in the back and a 3-inch pipe to eliminate standing water. Mr. Crowell sent the calculations to the Staff Planner to show there was no additional runoff to the site or to the road.

Staff Planner, Connor Murphy, states this is the first time he has seen this plan; Mr. Murphy has written the Staff Report in relation to the plan included in the Board Member packets. Mr. Murphy had asked for several revisions to be made to the Plan, and it seems Mr. Crowell and the Applicant have addressed most of those concerns. Mr. Murphy would like to do a deeper in-depth review of the revised Plan. In terms of what the Board is asking and what the Applicant is providing, they are starting to meet the requirements. Chair Harnais states, based on the Department’s need to review and digest what has been provided by the Applicant, he suggests that the Hearing be continued. Mr. Crowell states that the Staff Planner should have everything now.

Member Mikami is happy that the Applicant is working with the Civil Engineer as it is something that the Planning Board had advocated, and hopefully the Applicant will see how much easier it is to have a professional engineer. Member Mikami appreciates the effort.
Chair Harnais opens the discussion to the public. There are no questions or comments from the public.

Member Downey MOTION to continue this Hearing to the Planning Board Meeting October 8, 2019 at 7:15 PM; seconded by Member Baker; voted 5:0:0.

CONTINUED PUBLIC HEARING
236-240 Wood Road – File #17-12 – Billboard Special Permit and Site Plan Review
Applicant: Logan Communications
7:26PM – Four Planning Board Members are participating; Member Baker and Associate Member Erinna cannot participate.

 Appearing on behalf of the Applicant:
Attorney Thomas Moriarty

Attorney Thomas Moriarty appears on behalf of Logan Communications and provides an update on the two issues that are outstanding. First, there has been no agreement reached with the Mayor’s Office. There has been back and forth with the Mayor’s office; however, Attorney Moriarty is not involved in those discussions. No deal has been agreed to, even in principle at this point. Attorney Moriarty believes the Mayor is contemplating a counter-proposal made by their client. The second issue with regard to the Fire Department is that they are in the same ultimate position. There has been further discussion; the landlord has offered changes to address a suggestion made by the Deputy Fire Chief relative to hydro fueling station and potential fall zone. The Applicant is not in the position to improve it; the landlord has offered changes, but it cannot address the total concern about the level of protection that can be provided. Chair Harnais states that Attorney Moriarty has been here a number of times and has done everything he could, and please understand that this is no reflection on Attorney Moriarty. However, the Planning Board has to move forward. One of the hurdles that exist is the Fire Department, and Chair Harnais has made it clear that is a hurdle he has a hard time getting over.

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

There are no further questions or comments by Planning Board Members.

Member Joyce MOTION to accept all correspondence through September 10, 2019 into the record; seconded by Member Downey; voted 4:0:0.

Member Joyce MOTION to close the Public Hearing; seconded by Member Downey; voted 4:0:0.

Director Stickney reminds the Planning Board that two members cannot participate in the vote (Member Phillip Baker and Associate Member Hector Erinna).

Member Joyce MOTION to deny the Special Permit for 236-240 Wood Road based on discussion this evening and past of issues that still remain outstanding as detailed in findings through September 10, 2019; seconded by Member Downey; voted 4:0:0.

CONTINUED PUBLIC HEARING
1 Hill Avenue – Assessors Plan 3045/Plot 1F Assessors Plan 3047/Plot 17 & 18 – File #19-08
Preliminary Subdivision
Clean Harbors, Applicant  
7:32 PM – Five Planning Board Members are participating.  

Appearing on behalf of the Applicant: 
Rick Grady, Grady Consulting  

Director Christine Stickney advises that this petition before the Planning Board is a Preliminary Plan. Director Stickney explains that she has prepared a Staff Report, and the Town Engineer has provided a report in the materials on his recommendation, as to the Plan, along with the waivers. They have a number of waivers that, in addition to whatever action the Planning Board wants to take on the Plan, it would be helpful to the Applicant to have the Planning Board vote on those waivers to give them direction on the preparation of the Definitive Plan.  

Rick Grady from Grady Consulting presents a refresher explaining that they are proposing to extend the Columbia Terrace right-of-way onto the Clean Harbors property into a short cul-de-sac. This was submitted back in the late 1980's, but never constructed. They would like to abandon the previous plan on record with Land Court.  

The Applicant has reviewed comments both from the Town Engineer and Director Stickney; they have met with the Fire Department. They have started making changes related to Stormwater Division comments. They don’t have any problems with any of the recommendations from either the Town Engineer or Director Stickney. Mr. Grady did want to discuss one item with the Planning Board. He explains that the existing width of Columbia Terrace is 24 feet in width; the Town Engineer is recommending 28 feet in width. Mr. Grady explains they would be happy to agree to whichever width the Planning Board is happy with.  

Member Mikami asks Director Stickney if all items have been agreed to by the Applicant and if anything is unresolved. Director Stickney states that because it is a Preliminary Plan, we are providing guidance for the Definitive Submission. We try to point out things now to make sure they take a look at those items and address them. The Applicant will have to ask for the waivers as part of the Definitive Process. Tonight the Planning Board should provide direction on waivers they will agree or disagree to, which will help in the preparation of the plans.  

Mr. Grady clarifies that granite curbing is proposed for the subdivision roadway, which is why they had not requested a waiver for the granite curbing. The reason Cape Cod berm was shown on the plan was because they are proposing some Cape Cod berm on the driveway entrances where it comes into the subdivision roadway.  

Member Mikami discusses the quality difference between granite curbing and Cape Cod berm and states that the Applicant should err on the side of quality; Member Mikami asks to what extent snow removal is done by the Town vs. Clean Harbors; Mr. Grady says it is proposed to be done entirely by Clean Harbors. They would like the road to remain private and be maintained completely by Clean Harbors.  

Member Joyce confirms 24 is the existing pavement width; Member Joyce asks if there is any curbing on that road. Mr. Grady confirms there is. Member Joyce would be in support of reducing it to 24 unless there was a major reason the Town Engineer had because Member Joyce thinks it would be an awkward transition. Member Joyce asks if we have to give input on waivers requested. Director Stickney states they have made formal request for the waivers and explains that when we go through the Definitive Subdivision you will have to revote them. Director Stickney highlights materials provided to the Planning Board. Director Stickney states the Town has accepted Columbia Terrace to the point, as she showed on a handout, where white coming up to the yellow on the plan depicts acceptance. That is also where granite curbing starts. Director Stickney states they would want to work with the applicant at the point of the Definitive Process to keep that the way it is.
Chair Harnais asks why they are going from granite to Cape Cod berm. Director Stickney mentions the cul-de-sac is what we are approving; the driveway is part of the Definitive. Chair Harnais states his concern with Cape Cod berm is that, when winter comes, plows chip away at it. Rick Grady states the entire subdivision roadway would be granite curbing. They would like to do Cape Cod berm on the driveway that connects to the lower level of the site. Chair Harnais feels granite doesn’t show wear and tear over the years. Mr. Grady explains that there is a difference in doing Cape Cod berm monolithically vs. pouring it on top. Chair Harnais states this is something we will take up in the Definitive Subdivision Plan.

Chair Harnais wants to review the waivers.

Director Stickney explains that the Waiver Requests are detailed on page three of the Staff Report. Chair Harnais asks what staff recommendation is. Director Stickney states each waiver was handled individually; the only place staff was in agreement with the Town Engineer was related to the issue of sidewalks. Director Stickney feels this can be discussed. Director Stickney states the Applicant will need to present a plan with sidewalks on both sides, as shown in Subdivision rules.

Director Stickney states the staff recommendation with pavement was in agreement with Town Engineer of 28 feet. Director Stickney states it would be helpful to the Applicant to know whether the Planning Board wants sidewalks and what width of pavement they want. Director Stickney clarifies that there are no sidewalks on Columbia Terrace, and she states, if there is an opportunity to have one sidewalk, it is advantageous. Mr. Grady highlights where there is no sidewalk in the entire approach. Director Stickney states they do own lots on either side; Mr. Grady highlights where he would put a sidewalk. Chair Harnais suggests 24 feet of pavement with sidewalk on one side. Mr. Grady confirms that the preference is five feet of grass.

Member Joyce MOTION to approve the Preliminary Subdivision Plan with the waivers noted on page three of the Staff Report and the four recommendations highlighted on page four of the Staff Report and with 24 feet of pavement with sidewalk on one side; seconded by Member Baker; voted 5:0:0.

**PUBLIC HEARING(s)**

1 Hill Avenue – Lot #9 – File #19-09
Site Plan Review – Clean Harbors, Applicant
7:50 PM – Five Planning Board Members are participating.

1 Hill Avenue – Lot #10 – File #19-10
Site Plan Review – Clean Harbors, Applicant

Appearing on behalf of the Applicant:
Rick Grady, Grady Consulting
Attorney Paul Feldman

Chair Harnais reads the Public Notice for both Applications #19-09 and #19-10. The discussion on both Site Plan Review Applications will be done simultaneously.

Director Stickney explains that the previous action taken by the Planning Board was the Preliminary Plan giving direction to the Applicant on the concept for the Definitive Plan; the Definitive Plan, when it is filed and if approved, will create the frontage needed for these two lots. The applications tonight are a presentation to explain to the Board and the public what the Applicant is doing at each site for the Site Plan Review.

Rick Grady, Grady Construction, highlights a proposed building that Clean Harbors would like to construct on the property; they would like to remove several of the older buildings, which are run down. Those existing buildings
are located closer to the Fore River to the rear of the property. Current access to the site is over Hill Avenue. They are proposing to extend the subdivision roadway. Truck traffic for the transfer facility will continue to use Hill Avenue. Office personnel will use Columbia Terrace Extension for access to the new office building.

This is an existing non-conforming use with no change to the use; they are simply trying to get their staff into a more modern facility and a better working environment. The new building will be a combination of office spaces, laboratory spaces and shower areas for field personnel. That is the 9600 square foot structure proposed on Lot 10. After they remove the buildings on Lot 9, they would like to construct a small (2400 square foot) maintenance facility. With the subdivision, Lot 9 would consist of 409,561 square feet. The buildings being removed are highlighted in red hatch. Mr. Grady highlights the buildings proposed (shown in blue). Lot 10 will be comprised of 69,627 square feet. Sheet Two depicts adequate access for the Fire Department’s turning vehicles. It has been reviewed by the Fire Department, as well. Mr. Grady is highlights Sheet 3, which depicts building coverages and open spaces. Both lots comply with dimensional requirements for area, frontage (once the subdivision is approved), and setbacks and coverages. The majority of site work will take place on Lot 10, since that portion of the site is primarily not developed. Mr. Grady highlights the proposed work on Lot 10.

They are proposing a looped access drive around the perimeter of the building. The Fire Department asked the Applicant to consider increasing the width of that driveway slightly. They have agreed to comply with the Fire Department’s request. Drainage for the project is going to be comprised of three areas. There is a large infiltration area proposed. There is a catch basin in the parking lot. They will also be picking up the storm-water runoff from the subdivision roadway extension with infiltration within that chamber system.

There is a second system near the lower access road, which accesses the lower level of the building. They are proposing a catch basin, storm scepter and additional infiltration. There is a bio-retention basin in the rear. They have submitted drainage calculations for the 2, 10, 25 and 100 year storm events, which demonstrate that the proposed development will not increase storm-water runoff for the proposed condition. The Applicant has a Storm-water Permit ready to file. The existing sewerage for the project is located in Hill Avenue. Currently the entire facility runs off a sewage ejector pump that ties into a force main. It is not an ideal situation. They have identified a gravity sewer main on Hill Avenue that they are able to connect to by gravity for both the new building and the existing facility. They will also be extending the Town’s water main. The maintenance facility will tie into the existing water main, which is a four-inch water main that services the existing buildings.

The Applicant did include a Landscape Design both for the roadway and development of the property. The Fire Department wants them to minimize the amount of vegetation near the maintenance building, as it is a fire hazard. They prefer a crushed stone. Most of the landscaping will be concentrated around the new building.

Lastly, Mr. Grady reviews site lighting around the parking lot and parking for the office building and for the maintenance building. For the office building, 39 spaces are required, and they propose 46 spaces, including 3 handicap spaces. For the maintenance building, 3 spaces are required, and they propose 3 additional parking spaces adjacent to the maintenance building.

Chair Harnais opens discussion to public for comments or questions; there are no comments or questions from the public.

Director Stickney states there was a letter that was received from Mike Lang from the East Braintree Civic Association, and the Department responses are slowly coming in. Director Stickney states there are some issues that may require other Boards to get involved, and there are a lot of moving parts. She wonders what the Applicant’s timeline is. Tonight is to present the project. Mr. Grady states he is ready to submit the Definitive.
Director Stickney explains that the department is experiencing a high volume of filings. There may be issues needing Town Solicitor input and Zoning Board relief. There may be a Demolition Delay permit required for the older buildings. If the Definitive Submission comes in this week, we may not get to it until November. Director Stickney states we have to resolve the Definitive Plan to create the lots. Director Stickney suggests continuing these hearings until December; however, if there are questions that the Planning Board has now, it would help the Applicant to know what those are.

Attorney Paul Feldman confirms with Chair Harnais that the Planning Board and staff want to continue this to December meeting. He would request that they appear before Planning Board in November. They envision that the Site Plan would be conditioned for an approved Definitive Subdivision Plan. Attorney Feldman would expect that the Definitive Plan would be addressed in a single public hearing, as they have vetted the preliminary plan already. Hopefully, the Applicant could also vet questions with the Site Plan on the same night and perhaps get a decision by the Planning Board on the same evening. The Applicant is about 4-6 months behind on this project. Chair Harnais doesn't want to overburden the department.

Director Stickney states that they could continue the extension to November but then December may not be available because you run the risk of anything on the October Agenda being continued to December. Attorney Feldman agrees that they may be able to take care of it all in December, and they will get all materials to Planning Staff well in advance. Attorney Feldman introduces Ben Wickman, who is an attorney in-house for Clean Harbors; they present a memo that explains how each of the Site Plan criteria is in compliance. It helps facilitate the review process.

Director Stickney's recommendation is to continue both hearings (PB 19-09 and PB 19-10) to December 10 at 7:15 PM.

Member Mikami MOTION to continue this Hearing to the December 10, 2019 Meeting of the Planning Board; seconded by Member Downey; voted 5:0:0.

CONTINUED PUBLIC HEARING
60 Columbian Street – File #19-06 - Site Plan Review
Applicant: Brigham and Women's Hospital
8:14 PM – Five Planning Board Members are participating.

Assistant Director SantucciRozzi updates the Planning Board on this matter. She has prepared the draft conditions and has spoken to the Applicant and their counsel. The Applicant has requested a continuance to provide more time to review the draft conditions and to potentially have some additional discussions with the Town regarding the mitigation package. The Applicant has asked to be placed on the October Planning Board Agenda.

Member Mikami MOTION to continue this Hearing to the Planning Board meeting on October 8, 2019 at 7:15 PM; seconded by Member Baker; voted 5:0:0.

NEW BUSINESS/OLD BUSINESS
Approval of Planning Board Meeting Minutes for the Regular Session on July 9, 2019 and the Regular Session and Executive Session on August 20, 2019
8:15 PM – Five Planning Board Members are participating.
Member Downey **MOTION** to approve the minutes from the Regular Session of the Planning Board on July 9, 2019 and the Regular and Executive Session of the Planning Board Meeting on August 20, 2019; seconded by Member Joyce; voted 5:0:0.

**NEW BUSINESS/OLD BUSINESS - Zoning Board of Appeal Petitions – September 2019**
8:15 PM – Five Planning Board Members are participating.
The Planning Board took no action with regard to recommendations on Zoning Board of Appeal Petitions for the month of September 2019.

**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
8:17 PM – Five Planning Board Members are participating.

Director Stickney explains that this matter was continued from our July 9, 2019 Meeting, which was a continuation of the Public Hearing for the Comprehensive Zoning Ordinance. Because there is has been a residents Working Group working diligently on this matter and because the Town Council has continued this matter until October, Director Stickney suggests that this matter be continued. Chair Hamais explains that he had committed to not have discussions on this matter until the Working Group comes back with something.

Member Downey **MOTION** to continue this hearing until the Planning Board Meeting on November 12, 2019 at 7:15 PM; seconded by Member Mikami; voted 5:0:0.

**CONTINUED PUBLIC HEARING**
144 Allen Street – File #19-04
Special Permit/Site Plan Review
144 MPB Nominee Trust, Applicant
8:17 PM – Five Planning Board Members are participating.

**Appearing on behalf of the Applicant:**
Attorney Brian Palmucci
Shawn Hardy, Engineer
Mark Bogan, Applicant

Attorney Brian Palmucci, appearing on behalf of the Applicant, explains that Mr. Bogan seeks to construct a two-story structure at 144 Allen Street. It is a building that is approximately 82’ X 48’. It would contain six (6) contractor-type bay units that would be used for commercial purposes. This project has received favorable approval from the Zoning Board and the Conservation Commission. The Applicant is here tonight for a third appearance seeking both a Special Permit and a favorable Site Plan Review. Attorney Palmucci explains that Site Plan Review is triggered because they seek to build a structure that is greater than 500 square feet. Attorney Palmucci submits to the Board that the design and construction of the project would not create a detrimental impact to the neighborhood or to the environment. As it relates to the neighborhood, the current neighborhood consists of residential, commercial and industrial uses. The site has been used for commercial purposes. Based on previous discussions with the Planning Board, the Applicant has redesigned exterior of the commercial building to give it a softer, more residential feel. They have included a cupula at the top, some residential grade shingles, as well as residential siding material.
The site drops about 30 feet from Allen Street to the back. The profile of Allen Street is of a single story building. A more residential façade will relate to both the residential and commercial uses that exist in the area. There will also be minimal traffic to and from this site on a regular basis, as it is not really designed for retail purposes but more for contractor type spaces; we anticipate that you would see an electrician, a handyman, a carpenter or a small type business with one truck and maybe a staff person that handles phone calls or billing. The Applicant trusts that the capacity of the local streets can accommodate the traffic that this project would generate. The infrastructure of this site is suitable to sustain the proposal for this property. Allen Street would remain substantially similar to what exists today.

The Allen Street side of the property will access 3 units, while the other three units will be accessed over an easement from Shaw Street through a commonly owned commercial site. The two distinct access points will also help with traffic flow to and from the site, as it is not all coming in through the same entryway. The site will have ample parking, both within the building through the bays, as well as on the paved surface that will be in the rear. They anticipate that the six units will be used by self-employed, small businesses, with no heavy equipment.

Attorney Palmucci explains that the environment around the property consists of the riverfront area, which is approximately 10 feet, at its widest point, from where the use part of the property begins. Attorney Palmucci describes how the property sits. The project was approved by the Conservation Commission, with Order of Conditions in August of 2018. The conditions require a riverfront restoration of approximately 600 square feet of area adjacent to the water quality basin and the existing railroad berm, which would be on the rear of the property. An additional condition from the Conservation Commission was that all snow storage was to be kept in the rear of the paved area on the property. The rear of the property would be used to provide parking and adequate access and circulation for vehicles on the backside of the site. The existing conditions will be improved through the paving of the area, as it has been gravel for quite some time. Currently, the gravel goes all the way up to the railroad berm. By paving the area in the rear of the site, it will be easier to keep clean and maintain and cause less debris to runoff of the site. While before the Conservation Commission, it was agreed that the paving in the back would be a solution to maintenance issues relative to the gravel going into the river area and the riverfront restoration. That was approved by Conservation Commission as part of the Order of Conditions. The plan provides for 28% open space, which exceeds the 25% required, and it really represents as much open space that can be provided given the constraints on the site.

Attorney Palmucci explains, related to the Special Permit, the Special Permit is required because they are seeking an exception to the 100 foot buffer zone between the proposed commercial zoning and the adjacent residential zoning. At the Applicant’s last hearing date, Attorney Palmucci submitted a letter from the residential neighbor, and he was in support of the property after working with Mr. Bogan. The lot is only 127 feet wide, so it creates a hardship to comply with the 100 foot buffer requirement. They have proposed to create a 20 foot landscaped buffer between the two properties, with wild flowers and giant arborvitae. Additionally, Mr. Mamoud, who owns and lives in the residential property, has worked with Mr. Bogan to determine what would be the most appropriate screening to mitigate any negative implications. The Applicant asks that the Planning Board accept what is being proposed and the Board finds that this proposal does not impact the surrounding area, as no additional noise, lighting or other nuisance will be created at the site that will impact that residential property. The building the Applicant is seeking to construct would be set back thirty feet off of Allen Street. That would seem to mitigate any negative impact to Mr. Mamoud because his property is sited only about 2 or 3 feet off of Allen Street. There will be a significant buffer in distance. Attorney Palmucci respectfully requests that the Board modify the requirement of the buffer transition area between these properties, as they feel this proposal will create adequate screening and buffering to minimize negative impacts on the residential property next door.
Attorney Palmucci explains they did their best, since they were here last, to address the various questions and comments that Board Members raised. Attorney Palmucci submitted a memorandum, and Mr. Man, Professional Engineer, had submitted additional site plans and drainage reports to answer some of the questions and address some of the issues that the Board had raised. Attorney Palmucci is willing to take any questions or get feedback from the Planning Board.

Assistant Director SantucciRozzi explains that Attorney Palmucci did submit some revised materials in accordance with the submission deadlines; in the staff’s opinion, those materials were significantly insufficient. As a result, she gave the applicant another opportunity to submit materials. The Plan that the Planning Board has in front of them dated September 4, 2019 and the two short memos are what was provided in response to the Board’s comments and the Staff Report at the last meeting. The staff has not prepared an additional Staff Report and has shared with Attorney Palmucci that she is in a difficult position in that she does not feel as though the Plan, as presented, is in keeping with the 702 buffer requirements. The information provided and the lack of landscaping in that particular area is putting the staff in a difficult position to put together the findings that would support this type of application. At the last hearing, we discussed the applicant removing the pavement that isn’t necessary for circulation and parking on the site. That has not been done. The pavement outlined and shown on this plan is identical as to what was presented at the last meeting. The size of the trucks and the size of the bays do not need 65 feet to turn into these particular units. Again, this Board is very familiar with the requirements of the buffer zone, instituting a commercial use at this location, which was previously residential, is going to require substantial upgrades in buffering and removal of pavement in order to comply with those requirements in the ordinance. This site requires 8 parking spaces and there are no parking spaces striped in that area. Staff respectfully requests that turning radius information be presented. At the shortest distance, we are looking at 65 feet. Based on size of bays and size of trucks that would fit in bays, that type of circulation is not needed. Further, no additional use of this area has been requested or submitted. Similar to other contractor yards that the department has worked on, there will be significant conditions regarding the exterior of the site within the buffer. Circulation and parking is pretty much it. This site cannot and will not turn into an exterior storage yard. Staff would respectfully request that the Applicant put their best foot forward, refine this plan and meet us half way. She is in a very difficult position and not able to put together something that would result in a favorable action.

Attorney Palmucci has no comments other than this is our best foot forward. They took the comments and concerns very seriously. As to the pavement, the riverfront area has been approved by the Conservation Commission. Any vehicle that has a trailer on the back or a piece of equipment would need ample room to turn around. Back to 1971, that has been a gravel area where vehicles are stored. They are not seeking to dig up grass area and pave it. They had originally proposed with Conservation Commission to leave it untouched. Conservation Commission ultimately approved the condition of having it paved because it would be easier to maintain and keep clean. There is a 10-15 foot tall berm on the rear of this site which creates a significant buffer. This isn’t a flat area. In addition, they would be restoring that area as conditions of Conservation Commission and adding a buffer of plantings. Attorney Palmucci explains that they are seeking the Special Permit on the area that relates to the neighbor’s side (Mr. Mamoud’s property). There is a requirement for a buffer, but due to the topography of the site, they are having difficulty meeting that requirement. Mr. Mamoud is satisfied with setback and screening proposed, as is the Applicant. Attorney Palmucci recognizes that it is the Planning Board’s decision and not the neighbor’s, but Attorney Palmucci would respectfully request that the Board weigh heavily Mr. Mamoud’s opinion.

Assistant Director SantucciRozzi asks if the applicant has Mr. Mamoud’s property under Purchase and Sale. Attorney Palmucci states there is nothing on record, but they have discussed it.
Member Baker states it is a good leap forward in his opinion from the last iteration. Exterior-wise, adding the covered roofs over the openings on the front and the cupula ties in nicely with the neighborhood. Member Baker is going with Conservation Commission on their preference for pavement. Member Baker can see staff's point on more plantings in the rear, but he sees the applicant's point with regard to the 10-15 foot buffer. Member Baker feels, exterior-wise, it is a good take of use of site and building. Member Baker doesn't see much of an issue with neighbors. Member Baker is okay with it.

Attorney Palmucci states the Applicant took to heart the Planning Board's concerns that they were vastly underwhelmed.

Member Downey asks if this is as far as the Applicant can go. Attorney Palmucci states, looking at the site, you are in a bowl; when you are in the back, it is 30 feet high to Allen Street and a 15 foot berm to the railroad tracks. The thought of creating an additional 5 feet of grass is a loss of valuable land, and it doesn't make a ton of sense given sight conditions. Attorney Palmucci does believe that this is their "best foot". Ultimately, they think it is a very attractive building that tries to fit in with uses in the area. It is a six-unit contractor bay, and they feel confident that this is a good project. Town Councilor Bowes has supported this project. The Applicant feels this is the best they can do given the site conditions.

Member Downey asks about the turning ratio. Attorney Palmucci states they are only required to have eight parking spaces. There are six parking spaces in the bays. They have shown 15 parking spaces along the rear. They have a ten-foot wide right-of-way. They don't want to create a situation where cars would drive over parking spaces. They anticipate that these spots would be for folks that are working in the office portion of the building. They anticipate that individuals using work trucks would be parking their private vehicles. That is why they have additional parking. They are not seeking to encroach any further than this property already has been. It is setback further than what currently exists. As it relates to not needing the turn radius, they believe that it makes for a safer site, and makes more sense for the users to have a little bit more parking than not enough parking. Attorney Palmucci understands the concern that staff has about paving, but due to maintenance issues and Conservation Commission's concern about debris, this is required.

Member Downey asks if the Applicant thinks a turning radius study is necessary. Attorney Palmucci states this is based on Mr. Bogan’s experience. Staff states that grass is better than both pavement and gravel, and this is not the site that you overbuild. Staff states there has been no reference on the plan to office use, and she reiterates the 15 parking spaces have not been submitted on the plan, nor have they been reviewed. They are here tonight with something completely different, and the use of the building by office work has not previously been included in the proposal.

Attorney Palmucci states that is not new information, and they have submitted a plan showing the paved area was to be used for parking. It is included in the minutes of the Conservation Commission. The only thing new is that they drew the parking spaces in to illustrate the use of the paved area. Attorney Palmucci states he discussed office use, maybe a staff person and an administrator. He appreciates that grass would be better than pavement. This is land that Mr. Bogan owns and wants to make use of the property in an efficient way. Just because we are required to have only 8 parking spaces, Attorney Palmucci asks the Board to not penalize them for a few additional spaces. The site has been gravel for 40 years. Attorney Palmucci states that his burden is to prove that this is not substantially more detrimental to the community. They are paving and restoring riverfront area and adding tax income to the town. Attorney Palmucci states the criteria is they are not adding harm to the neighborhood and this use is not more detrimental.
Member Downey asks about the Applicant’s response on page 2 related to the size of the vehicles being limited by weight. Attorney Palmucci states there is a class guide of vehicles that shows weight and type of vehicle. They anticipate that the limit of the vehicles that would be allowed to park on the upper level of the garage would be limited to Class 4 vehicles, which would have a maximum gross weight of 16,000 lbs. or the size of an approximate walk-in vehicle, but smaller than a school bus. This would apply to the front three bays. The lower portion would not have any weight restriction. The lower portion is limited by the depth of the bays, which are not deep enough to store a significantly large vehicle.

Member Mikami believes that when this project came up, he said it was a challenging location. Member Mikami states you are trying to convert a residential neighborhood into a commercial space. Member Mikami states staff put it well is asking “what is the best thing to put into a very challenging area”. Member Mikami comments that, despite what Conservation Commission says, Planning Board has rights and rules under Special Permit, and it out strips everybody. Member Mikami did not hear that there would be staff or trailers or concern with turning radius. When Member Mikami raised the question about size of vehicle, he wasn’t thinking Class 4, maybe Class 1 or 2, and he has more concerns than he did last time. Member Mikami states it needs to be high quality and less impactful. Member Mikami refers to Comprehensive Zoning, and there are issues about what type of zoning should be in certain areas. This was a residential property; if it is converted, it has to be done properly. Member Mikami would defer more to what the Planning Staff says. Member Mikami agrees with Member Baker that the building looks better, but it should be less intense. Member Mikami states you need to do a better job in working with the staff; we are only as good as the information provided. What is going in that building? Who are you trying to attract? That is a very difficult spot, and the people in that neighborhood don’t deserve that. Attorney Palmucci states they are not seeking to change it to commercial zoning; it is split zoning. It is already commercial zoning. They have gone before the Zoning Board to get permission to use it as a commercial site. Attorney Palmucci states they are not seeking waiver of multiple regulations; it is appropriately zoned for the use. They are seeking one waiver as it relates to the buffer between Mr. Mamoud’s property and this property. They meet open space, density, and parking. There is Site Plan Review because it is over 500 square feet, and they are asking for Special Permit related to the 100 foot buffer between a commercial and residential. There have been no neighbors speaking in opposition, and they feel this is an improvement to the current site. Member Mikami wants to meet the rules and wants high quality projects always.

Member Joyce do you have a plan that has the 100 foot riverfront area noted. Staff states it is pretty close to the street. Engineer Shawn Hardy highlights where it is located. Member Joyce asks, on the rendition of the new façade, there is hearty plank siding on the front, and what would be the side. Attorney Palmucci states the side would be traditional steel. Member Joyce asks what the little thing on top is. Attorney Palmucci states a cupula. Member Joyce asks if there is any lighting on the face of the building. There would be no exterior lighting other than down-facing lighting on the man-doors. There would be no lighting on the side facing Mr. Mamoud’s property. Member Joyce asks if there was any consideration to doing a prettier door because of the residential neighborhood. Member Joyce feels any effort that we can do to make this blend better with the neighborhood, improve the aesthetics and add landscaping, would go a long way in helping us feel good about changing the zoning. Member Joyce discusses the problems that we have on some of the older commercial properties. Member Joyce feels the applicant is inviting problems with this big swath of pavement, and she wonders if we could trade some considerations and meet somewhere in between. Member Joyce mentions that it looks like the south-side of the building is sitting on the edge of a sewer easement. She wants to make sure that was addressed. Mr. Hardy states it was delineated by the surveyor in that manner. Member Joyce wants to make sure the building does not end up in that sewer easement. Attorney Palmucci states that is a good point.
Member Joyce asks if there is any sort of hour restriction on when building would be accessed. Mr. Bogan states that he has other garages next door, and they are typically 7:00-8:00 AM to 4:00-5:00 PM. The exception is if it is snowing out.

Chair Harnais states that this will not be a storage yard. Attorney Palmucci confirms that it is not their intention. Attorney Palmucci states they would certainly be willing to do a more residential door and agrees that the look can be better. Attorney Palmucci feels they are not disturbing the back. Their intention is to not disturb the back at all. Chair Harnais asks what the rationale was for paving vs. gravel. Attorney Palmucci states the debris would flow into the river if it remained as gravel. Mr. Hardy explains there is a storm-water quality swale and a storm-water quality basin. Currently, it is a gravel lot. Mr. Hardy explains the runoff and explains that the standard is to make it better. Mr. Palmucci feels strongly that the buffer provided in the rear, that will be the restoration area, adds that trade-off. Attorney Palmucci states, given the topography of the site, they feel that area is necessary for parking and turn radius of the site. Given the topography of the site and the layout, they are constrained.

Chair Harnais states that the Applicant has come a long way, and now not to work things out is a foolish idea. It is important to work these matters out and move forward. Attorney Palmucci has not consented to a continuance and states he has not received any guidance.

Member Downey **MOTION** to continue this matter to the October 8, 2019 Planning Board Meeting so that the Applicant and staff can further work out these issues; seconded by Member Mikami; voted 5:0:0.

Chair Harnais states there are things that can be changed. Attorney Palmucci respects the Planning Board, but his client has been considerably frustrated by this process and feels as though there has been roadblock after roadblock. Attorney Palmucci states he has not received a Staff Report. Assistant Director SantucciRozzi states her comments have been made, and the Planning Board can elect to continue this matter, as there is no requirement to make a decision in a certain timeframe on a Special Permit. Chair Harnais has only one concern that it is not used as a storage facility, and he would like to include a condition related to that. Assistant Director SantucciRozzi states if you don’t have any area striped as parking on the site plan, it is not parking. Staff explains that it is in the applicant’s best interest to see the conditions before the Board votes. Chair Harnais states that there should not be 24 hour use, with the exception of snow plowing. Chair Harnais asks that the Applicant work with the Planning Department.

Member Downey **MOTION** to continue this matter to the October 8, 2019 Planning Board Meeting so that the Applicant and staff can further work out these issues; seconded by Member Mikami; voted 5:0:0.

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

The meeting adjourned at 9:31 PM.

Respectfully submitted,
Louise Quinlan,
Planning/Community Development