



Joseph C. Sullivan
Mayor

Department of Planning and Community Development

Melissa M. SantucciRozzi, Assistant Director
1 JFK Memorial Drive – Braintree, Massachusetts 02184
Phone: 781-794-8234 Fax: 781-794-8089

APPROVED

PLANNING BOARD

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

Braintree Planning Board – August 20, 2019 – Cahill Auditorium

Present:

Mr. Robert Harnais, Chair	Christine Stickney, Director
Ms. Erin Joyce, Vice Chair	Melissa SantucciRozzi, Assistant Director
Mr. Darryl Mikami, Clerk	Connor Murphy, Staff Planner
Mr. James N. Downey, absent	
Mr. Phillip J. Baker, absent	
Mr. Hector Erinna, Associate Member	

Chair Harnais calls roll at 6:33 PM. Three (3) members and one (1) associate member are in attendance.

MOTION made to go into Executive Session voted by individual member roll call 4:0:0. 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 4:0:0.

The Executive Session ends at 6:58 PM, and the Planning Board returns to the regularly scheduled open session Planning Board Meeting at 7:06 PM with a roll call. Three (3) members and one (1) associate member are in attendance; Members James Downey and Phillip Baker are absent.

NEW BUSINESS/OLD BUSINESS - Zoning Board of Appeal Petitions – August 2019

7:06 PM – Three Planning Board Members and Associate Member Hector Erinna are participating. Members Downey and Baker are not present for this Meeting.

The Planning Board took no action with regard to recommendations on Zoning Board of Appeal Petitions for the month of August 2019.

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

7:06 PM – Three Planning Board Members and Associate Member Hector Erinna are participating.

Members Downey and Baker are not present for this Meeting.

There will be no testimony on this matter this evening, and this will be tabled until the Planning Board Meeting on September 10, 2019.

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

7:06 PM – Two Planning Board Members participated. Erin Joyce recuses herself from this hearing; Members Downey and Baker are not present for this hearing; Associate Member Hector Erinna participates.

There will not be any discussion on this matter tonight.

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NEW BUSINESS/OLD BUSINESS

**Request for Minor Modification to Special Permit (s) and Site Plan Review-Braintree Properties Assoc.
250 Granite Street – File #08-03 – Requested by: Target Stores
7:07 PM – Three Planning Board Members and Associate Member Hector Erinna are participating.
Members Downey and Baker are not present for this Meeting.**

**Present for the Applicant:
Alex Hensley, Kimley Horn**

Assistant Director SantucciRozzi indicates that she has provided a full set of information to the Planning Board along with the Staff Report, which has also been provided to the Applicant.

Alex Hensley, Civil Engineering from Kimley Horn, explains the intent of the Drive-Up Program. He explains that the Drive-Up Program was requested by Target customers to have an on-line order service to where they could come to a designated spot in the parking lot, and have their package brought to their car using the online app. It allows them to not have to get out of their vehicles. This is a big item for disabled individuals, elderly people or families with children. The intent is to not have to go into the store, be able to place an online order and pick it up on the same day.

Mr. Hensley will address items in the Staff Report and explains that some of the concerns were related to location. They started this process back in March, and location has never been a concern so far. So, they were caught off guard by that. Target's corporate and local staff have approved the location, as well as the owner of the mall. That was negotiated back and forth. Some of the reasons for the proposed location are: (1) customer convenience; (2) these are existing stores that they are having to retrofit this program into, so coming out the front door is the only option; (3) having it as close as you can to the front door is safer for the employee going back and forth and as efficient as possible so that people get in and out as quickly as possible; (4) they put a lot of effort into selecting these parking spaces while maintaining the existing ADA spaces. Mr. Hensley states there were concerns with congestion. From a concept perspective, it is an existing parking space today and it remains an existing parking space. In some ways, it gets less congested because of the way the striping is done. You can just pull forward rather than having to back out. Confusion was another concern. This is not something new. It is something that has been implemented by a lot of other businesses. WalMart does this in a lot of locations. A lot of grocery stores have implemented this, especially in the south. Target is not originating this. It is the same concept as "to go" orders. It is a new practice for larger stores. It gives them the ability to compete with on-line retailers to provide same-day service. Mr. Hensley states to address any confusion, they use the beacon, which is relatively tall and red. It seems pretty intuitive after the first time. Mr. Hensley did want to address the concern of the town's staff related to the parking spaces being blocked off with cones. He expresses that Target did want to apologize for that; Target did not do that in a hostile manner or want to cause issues. Mr. Hensley explains that Target has 1800 stores across the country, with 30 stores in Massachusetts. They designate the spots; once they are agreed upon, they cone them off, as they need to get an underground utility located. They have one or two utility locators in the state. They do have temporary "roll-out" signs. Unfortunately, there was a miscommunication between corporate and local.

Assistant Director SantucciRozzi states Mr. Hensley did a great job in presenting the issues. We understand that this is an emerging theme, very popular and that there are 30 Target stores in Massachusetts. However, typically, a Target Store is a stand-alone store located in a smaller site; this location is at a large regional mall with 1.6 Million Square Feet.

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Assistant Director SantucciRozzi mentions that a lot of Board Members have visited this location. With the geometry of the entry, the curves, the aisles and the way things terminate, she felt as though those particular spaces at the end of the aisle, with people coming across, wasn't necessarily the best location to place these. She welcomed Mr. Hensley in presenting what Target wanted to move forward on, but she feels that even something a little bit further down the aisle and maybe a couple aisles out might be more appropriate. Frankly, regardless of where the customer is parking, it is still convenient for the customer, and we need to balance the circulation needs to be safe and adequate. Assistant Director SantucciRozzi acknowledges that Target has been working at this, and there has been some miscommunication. Assistant Director SantucciRozzi mentions that obviously the Planning Board will be making the decision, and if the Planning Board supports this location, she will respect that. However, if the Planning Board does not support this location, could the Assistant Director potentially propose the ability to allow the Applicant to come up with an alternative location with the Planning Board's approval of the overall concept?

Member Mikami states the place they are trying to locate is a "pinch point"; there is always a lot of traffic with people crossing. They are proposing the easiest location but not the most common sense location. Member Mikami is supporting staff recommendation. Member Mikami also states part of the idea about traffic flow and safety is hampered when carriages are all over the place. Member Mikami recognizes that this is not Mr. Hensley's responsibility, but asks that he carry that message back. Member Mikami asks if there is going to be a person monitoring who is coming and going and flow. Mr. Hensley mentions that we talk about congestion, but it is an existing parking space and will remain a parking space. The issue is someone will delivery to your car, and there will not be backed-up traffic flow to get into these spaces. From a carriage perspective, this is better because a store employee is bringing the carriage back into the store with them. Member Mikami asks if Mr. Hensley has ever visited that store. Mr. Hensley states he visited it today. Member Mikami states we see this every day. Member Mikami explains that the Planning Board's responsibility is public safety and traffic flow. Member Mikami disagrees with Mr. Hensley's observation and feels Mr. Hensley should listen to staff and consider alternatives.

Member Joyce asks if there were spaces to be generally associated with Target in the parking lot or are they shared. Assistant Director SantucciRozzi states that, under our Site Plan approval and Special Permit (Condition 58) all onsite spaces are for everybody. When spaces begin to get designated spaces, they must come back before the Planning Board. If every store at the mall wanted to designate spaces, it would get difficult. Member Joyce states in the diagram it looks like these spaces are meant to be pull-through, but it looks like it is wider than four spaces. Member Joyce asks how wide is the space between the two pull-through lanes. Assistant Director SantucciRozzi states originally they were going to do more, but the Plaza said "no". Member Joyce confirms with Mr. Hensley that there is no aisle in between the pull-through spaces, and they confirm that there will be a beacon in the center where all four spaces meet. They are removing the striping between spaces. Member Joyce asks about the loan parking space on the side. Member Joyce also mentions while she was there at the site, and there were cones placed on these spaces, she observed a few drivers crashing into the cones. Member Joyce further mentions that, although it seems like a logical location for this use, after observing this area, where there is no curb cut, in her opinion it is not a great location. You may want this spaces across from the accessible spaces, but you would not be able to have the "pull-through" situation. Member Joyce states she agrees with staff that those particular spots are challenging.

Chair Harnais has no questions, as he sees what the Applicant is trying to do; he suggests that the Applicant should work with the department on relocating the spaces, but he will leave it up to the Planning Board. To accommodate the Applicant's representative, so that he doesn't have to fly back from Georgia, the Assistant Director suggests approving the Minor Modification, subject to an agreed upon location.

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If there is no agreement between the Applicant and Staff regarding the location, Staff will reach out to the Planning Board.

Member Joyce **MOTION** to approve the Minor Modification for allowing four parking spaces for the Pickup Program, pending the approval of the location for these spaces by the Planning Department and Board; seconded by Member Erinna; voted 4:0:0.

NEW BUSINESS/OLD BUSINESS

Discussion/Action: Corrective Action to Grading Work Completed

Bregoli Lane Definitive Subdivision (File #02-03)

7:22 PM – Three Planning Board Members and Associate Member Hector Erinna are participating.

Members Downey and Baker are not present for this Meeting.

Assistant Director SantucciRozzi would like to report to the Board that, at the last meeting, we were discussing Mr. Gabriel and Mr. Bregoli working together to resolve the drainage issues between Lot 3 and Lot 4. That was one of their options. There other option was to go back to the original subdivision. They have been going back and forth, and staff has an email from Mr. Gabriel stating that he is willing to pay half the cost of the construction of the swale, and he has gotten email from Mr. Mirabito stating Mr. Bregoli is willing to pay a reasonable amount of money. Mr. Gabriel is not sure what that statement means, and he does not want to speculate. The swale will exit onto Mr. Kaufman's driveway, as was discussed at the site during a meeting. Staff has reached out to Mr. Bregoli, and Mr. Mirabito responded that Mr. Bregoli will pay half the estimate from McCloud Landscaping located in Canton. Mr. Mirabito is acting on behalf of Mr. Bregoli and asks Mr. Gabriel to contract McCloud Landscaping and inform him of the date.

Staff states there are two estimates there is a \$400 difference between them. She has no preference; they are willing to split the cost. With the direction of the Planning Board, staff will write to both parties saying that the Planning Board suggests they split the cost and get it done.

Assistant Director SantucciRozzi excuses herself from the meeting at the conclusion of this discussion.

PUBLIC HEARING

74 Pond Street – File #19-11

Special Permit (Use)/Site Plan Review

Mayor Joseph C. Sullivan, Applicant

7:24 PM – Three Planning Board Members and Associate Member Hector Erinna are participating.

Members Downey and Baker are not present for this Meeting.

Chair Harnais reads the Public Notice into record.

Joe Reynolds, Chief of Staff for the Mayor's Office, thanks the Planning Board for considering two new uses at 74 Pond Street, and he provides a brief overview of the new uses. Mr. Reynolds explains that currently this location houses some social services, including a Youth Center. One of the social services is an adult day-care (Marge Crispin Center), which is moving out of that facility this week. They will take the Food Pantry, Meals-On-Wheels and the adult day-care use. The Town has looked at various different buildings and assets in town for available space. Some of the infrastructure in those buildings have been challenging. 74 Pond Street has been looked at for a number of different potential uses. The Mayor has considered selling, leasing partially leasing or using the property for municipal use.

One of the challenges in looking at available spaces that we have around town is mitigating some of the costs to taking care of the overhead in some of these buildings. As the Marge Crispin Center moved out, it opened an opportunity to take a look at some significant office space on the first floor, as well as kitchen space. As the Mayor's Office was considering some options, they were approached by a businessman who is currently leasing space from the City of Quincy as a caterer. At 74 Pond Street, it is a general business use, and the Mayor's office felt that might be a good space. Prior to moving forward, the Procurement Office reached out to the Inspector General's Office for guidance in renting space to a private entity. They spoke with Building and Planning Departments to ensure this could be used for both municipal and private use. The Mayor's Office thought they could accommodate a small catering business. It is about 800 square feet of kitchen space. They looked at other space on the first floor to address some of the space issues the Town is feeling with their departments. In discussions with the DPW Director, they discussed relocating two departments to that space (the Parks and Recreation Department with three employees and the Trash/Recycling Department with three employees). This would also bring a revenue stream to help offset some of the costs of overhead and repairs. As pertains to the catering service, Mr. Reynolds states we could follow a bidding process by using the Central Register. This is not an RFP due to the fact that the total value of using this space for a calendar year would be less than \$35000.

One of the other things they discussed was the Youth Center, who is looking to relocate within the building. The potential renter is open to working with the Youth Center to provide an in-kind service to support the Youth Center. The School Department had also expressed interest in utilizing the space for a Post 22 Program for special needs students between the age of 18 and 22. The aim of this program is to train special needs citizens in vocations. This could be matched up with an in-house food service. Mr. Anthony Columbus, the potential renter and caterer, more than welcomes that opportunity. The Town feels this is an excellent match all the way around with benefits for all. Because the future of this building is uncertain, they are looking to use this space, for the short-term, in the best way possible. It allows town departments to swing from one location to another while we repair their current location.

Chair Harnais asks if there are any comments or questions from the public. There are no comments.

Member Erinna has no questions or comments.

Member Mikami states for an old building that we didn't know what to do with, this is a very creative use. How long is temporary? Mr. Reynolds states we would look to enter into a one-year lease. This will allow the ability to monitor the situation and provide any new administration to implement their new ideas. Member Mikami confirms that Mr. Columbus would be okay with a one-year lease. Mr. Columbus would welcome that opportunity. Member Mikami confirms that it is strictly catering. Member Mikami asks if we need any capital improvements other than the kitchen area to house. Mr. Reynolds states Mr. Columbus has offered to update the fire suppression system, do some required wiring and plumbing upgrades. Mr. Reynolds states, with other parts of the building, we are going to be moving the Retirement Board from the second floor to the first floor. They will have a clear floor on the gymnasium and we will be engaging in a conversation with the Pickle Ball Organization to utilize indoor space. There is a refurbishment needed of Parks and Recreation and Trash and Recycling space. Member Mikami asks if Post 22 is housed somewhere else. Mr. Reynolds explains that program is currently combined in with traditional-aged students. This is something Dr. Hackett has discussed with the Mayor about making this a unique program.

Member Joyce states it doesn't look like there are any proposed external improvements. Mr. Reynolds states this particular application does not include external improvements, but they have an assessment program of all town buildings. Those are all suggestions and studies that we have in place for the next administration to take on for their own assessment and course of action.

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Staff Planner, Connor Murphy, states that he does have draft findings and conditions attached to the Staff Report. With the Planning Board's permission, there is some room for editing. Mr. Reynolds confirms that there is nothing objective in the conditions.

Member Mikami **MOTION** to close the Public Hearing; seconded by Member Erinna; voted 4:0:0.

Member Mikami **MOTION** to approve correspondence; seconded by Member Erinna; voted 4:0:0.

Member Mikami **MOTION** to provide a favorable approval for the Special Permit (Use) and Site Plan Review for Planning Board File #19-11 at 74 Pond Street; seconded by Member Erinna; voted 4:0:0. Members Downey and Baker are not present for this Hearing; Associate Member Hector Erinna voted on this matter.

NEW BUSINESS/OLD BUSINESS

Request for Minor Modification to Special Permit (s) and Site Plan Review

128 Town Street – File #15-19 – BSC Partners LLC/Town of Braintree

Requested by: Paul Cokinos, E Street LLC

7:42 PM – Three Planning Board Members and Associate Member Hector Erinna are participating. Members Downey and Baker are not present for this Meeting.

Appearing for the Applicant:

Town Solicitor, Nicole Taub

Paul Cokinos, E Street LLC

Stephen Rusteika, PMA Consultants

Town Solicitor, Nicole Taub, is here regarding the application originally filed by the partnership between the Town of Braintree and BSC Partners LLC relating to the construction of an athletic complex also commonly referred to as the Petersen Pool. Attorney Taub is here this evening for a Minor Modification to the original granting of the Permit(s), specifically as it relates to the square footage on the previously approved footprint for the project. Attorney Taub wants to take the opportunity to confirm for the Board that the development of this project has been assigned from BSC Partners LLC to E Street LLC. Paul Cokinos, Manager for E Street LLC, is present tonight along with Stephen Rusteika, PMA Consultants-a Braintree firm, who has been retained by the Town to serve as the Project Manager. The Town is very excited and looking forward to moving this project forward and seeing this project come to fruition. The new developer and project manager will be, not only working with her office, but also with the Planning Department and Building Department to ensure that the conditions are met in order to remain in compliance and begin construction in a timely fashion. They are not seeking any modification to any conditions. Attorney Taub is happy to introduce Mr. Paul Cokinos.

Paul Cokinos, E Street LLC, 1105 E Street, Dedham MA, explains that they have been assigned this building, and have been working with the Mayor's office and legal staff over the past few months. They have compiled a lot of information and are ready to move forward. They have a projected start date of 30 days from today. They have done their "due diligence". They have looked at the program side and building side and compiled their information. They have obtained a bank to do the project with, and Mr. Cokinos feels they are in pretty good shape.

Chair Harnais confirms with Paul Cokinos an indoor field for baseball, lacrosse, soccer and field hockey. They looked at the field aspect and the town's needs. This seems more feasible by reducing the second ice rink. Chair Harnais confirms that this is like a cross ice, which is used for younger hockey players.

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There are no questions from the Planning Board Members.

Steve Rusteika, who works with PMA Consultants based in Braintree and has been hired by town to be the Project Manager, wants to explain that their role going forward will be to make sure conditions set previously are met before construction starts and that the construction proceeds with no issues and no quality issues for the future. They will be actively involved through construction. Mr. Rusteika refers to the package that shows the difference in the footprint. The approved footprint was 87,713 square feet. The proposed footprint is 84,600 square feet. Mr. Rusteika states in the package is a description of the program, which shows there is a half ice (cross ice) and a full sheet.

Attorney Taub states at this time, we ask for the Planning Board's consideration in approving the Minor Modification for the decrease in the footprint.

Chair Harnais opens the discussion to the public.

Charles Kokoros, District 1 Councilor, states the original plan had an artificial turf field and it initially got removed. There was a lot of concern from the residents and the Planning Board at the time about the turf field because it created activity when ice skating would not. He questions whether this has been taken into consideration. Lastly, do we have a commitment that this will happen this year? Chair Harnais states his understanding from the Applicant is that it they are going to break ground in 30 days. Chair Harnais discusses that these individuals have the financing which was an issue with the last partner. That was always a troublesome issue.

Attorney Taub explains that there have been significant conversations with the bank by E Street LLC; however, there is not a formal commitment. Attorney Taub can represent, as someone that has also had conversations with the bank, that there have been prior projects where E Street LLC and this bank have been partners. Chair Harnais will say that he knows of the conversations, and the other applicant never had conversations. That was very troublesome, and they did not provide the information required when they did speak to banks. Attorney Taub states this is a project that the town remains committed to so that they can bring this forward to the residents of Braintree so that they can enjoy the benefits of the sports complex, including specifically the Petersen Pool.

Andy Hanlon, current President of Braintree Youth Hockey, who represents a group of about 400 kids that play, wants to ask if there was anything in the agreement that provides their program with a priority when it comes time on the ice. Today, they currently skate out of Shea Rink, Zupustas Arena in Randolph and on Thayer Ice. Attorney Taub states there were provisions in the prior ground lease, which has been transferred to E Street LLC, that call for priority and commitments to the local youth teams; those remain unchanged. Chair Harnais acknowledges the frustration with the previous applicant.

Director Stickney asks for an explanation on the construction of the pool and the rink. Attorney Taub anticipates that the pool will be operated by a third party operator. There are conversations ongoing to finalize an agreement with the operator who will take over that component of the facility. Attorney Taub understands that this project started as a pool, and she understands the importance of the pool component and expect that the construction will happen simultaneously on the site regarding the interior structures.

Member Mikami agrees that we went through many meetings with the previous applicant that were frustrating and time consuming; he wants to confirm that all conditions of Special Permit are not being changed. Attorney

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Taub states they are only requesting a reduction of the total building footprint and removal of a full sheet of ice for a ½ sheet of ice and turf field. Member Mikami asks if the applicant is financing 100% of this project themselves, Attorney Taub states yes. Member Mikami discusses the original plan to have two rinks plus an indoor field, which made it huge. Now we will have a smaller overall project. How does the addition of the indoor turf field compare with the rink? Attorney Taub explains that the removal of the full sheet allows for the placement of the turf. With the pool, there is something of a bump out. She further describes the changes in the internal structure. Mr. Cokinis discusses removal of locker rooms and storage area in the back, which creates extra space. Member Mikami mentions in Staff Report that there might be a diving well. Attorney Taub discusses that originally the depth required was a concern. They are not prepared to take it off the table completely, but they are not committing to keep it in the pool.

Member Joyce has a point of clarification. Who will remain architect and engineer of record? Attorney Taub clarifies that the Civil Engineer, Level 1 Design, will remain the engineer of record; they have the materials that were produced by the previous architect, but there will be a change in architectural design plan. Member Joyce states the architectural rendering of the handout provided does not match the footprint of what is being proposed. Is it intended to show the outside of what the building is going to look like from a materials perspective? Attorney Taub states it is just to give an idea that the outside conditions will be met without modification. Member Joyce asks if Level 1 Design prepared revised Site Plan. Attorney Taub states yes.

Member Erinna asks what the proposed completion date of the project is. Mr. Cokinis has not completed finalization, but it is projected to be within one year.

Member Mikami **MOTION** for approval of the Minor Modification, Braintree Athletic Complex (also known as the Petersen Pool), 128 Town Street, File #15-19, for the reduction in footprint from 87,713 square feet to 84,600 square feet; seconded by Member Erinna; voted 4:0:0.

PUBLIC HEARING

1 Hill Avenue – Assessors Plan 3045/Plot 1F Assessors Plan 3047/Plot 17 & 18 – File #19-08

Preliminary Subdivision

Clean Harbors, Applicant

8:02 PM – Three Planning Board Members and Associate Member Hector Erinna are participating.

Members Downey and Baker are not present for this Meeting.

Director Christine Stickney advises that this petition before the Planning Board is a Preliminary Plan. To refresh the Planning Board's memory, a Preliminary Plan is an unadvertised filing. It is required to have action taken on it within 45 days of receipt of the application. In the Staff Report, the date is provided and is Saturday, August 24, 2019. Rick Grady, from Grady Consulting, is here to explain the project, and we can discuss the process more once he has made his presentation.

Vice Chair Joyce introduces the project for reference as 1 Hill Avenue, Preliminary Subdivision, Clean Harbors as Applicant, File #19-08, and she turns the presentation over to the Applicant to discuss the project.

Rick Grady, Grady Consulting who are the engineers and surveyors for Clean Harbors for this Preliminary Subdivision, is here along with Pete Brigida and Ben Lichman from Clean Harbors, Sean McCormack from Davis, Malm and Paul Seeburg from Grady Consulting. Mr. Grady states Clean Harbors operates their hazardous waste transfer facility at 1 Hill Avenue. He provides a rendering showing the aerial image showing the general overview of the property. It consists of 11 ½ acres. It is located behind the new Jeep dealership, adjacent to Citgo tank facility and the old Quincy Shipyard, where Quirk is currently storing their vehicles.

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Access to 11 ½ acres is currently over Hill Avenue, a private way. It is pre-existing, non-conforming due to a lack of frontage. They are proposing the extension of Columbia Terrace, which extends currently to the property owned by Clean Harbors. There was an application submitted to Planning Board 32 years ago, which depicts a similar cul-de-sac creation for the Columbia Terrace extension, but it was never constructed. The shape submitted this evening is very similar to that which was anticipated back at that time. The existing portion of Columbia Terrace is a 40 foot wide public way. There is 24 feet of pavement within that existing right-of-way with no sidewalks, and it terminates in a dead-end where Lancaster Road used to come through. Lancaster Road was discontinued as part of the Quirk Jeep construction. They will be proposing to extend Columbia Terrace approximately 300 feet terminating in a cul-de-sac. For the proposed extension, they are proposing a 50 foot right-of-way. They would like to construct 24 foot wide of pavement to match exactly what currently exists on Columbia Terrace. They would like to utilize granite curbing to match what exists on Columbia Terrace. They are proposing no sidewalks to match the existing portion of the roadway. They are proposing a 52 foot diameter cul-de-sac turnaround. They are proposing 26 feet of pavement for the width around that cul-de-sac to facilitate turning movements by fire trucks. Mr. Grady highlights the topography for the property. Mr. Grady reviews drainage for the proposed extension and states that it will consist of a clean-trap catch basin at the terminus of the cul-de-sac, which they will connect into sub-surface infiltration on Lot 10. They are also proposing to extend the Braintree Water Department water main that exists within Columbia Terrace to the cul-de-sac with a proposed hydrant and provide a fire line and domestic service to Lot 10. The existing facility is service by water that comes in across the Citgo property through existing easements. It is also service by sewer in a forced main on Hill Avenue. The existing facility and Lot 10 will connect to the existing sewer.

They are proposing that the road remain private, to be maintained by Clean Harbors, as part of their regular maintenance of the existing facility. They would like to restrict access on the extension of the subdivision roadway to vehicular access. They would like to keep the truck traffic on Hill Avenue, where it currently exists. Part of the overall plan is to relocate employees, who would be using their vehicles in the lower portion of this facility, in the upper lot.

Mr. Grady advises that they have made a lot of the changes referenced in comments from Cynthia O'Connell, Stormwater Manager for the Town. It is their intention to incorporate her requested revisions in the Definitive Subdivision Application. Mr. Grady understands that they need to submit a Stormwater Management Application directly to Ms. O'Connell's office, which they anticipate doing in the next few days. Mr. Grady advises that they have a number of waivers that they are requesting for this application, and he provides a detailed overview of these waivers. Mr. Grady mentions that he has had discussions about the application with Director Stickney earlier today, and he has been working with her for close to a year. He clarifies some confusion related to two small parcels that are on either side of the subdivision roadway.

Member Mikami confirms with staff that there is a recommendation from staff to table this matter until the next meeting. Director Stickney mentions that she agrees with Mr. Grady that they can work through some of the minor issues. However, she has no recommendation from the Town Engineer on any of the waiver requests nor input on the plan. The other reason she feels it should be continued is because it was a Definitive Plan the last time it was filed with the Town. It was litigated. There were some constructive approval. Director Stickney would like to work with the Town Solicitor to make sure that she understands correctly what was approved and how that will relate to the Definitive Plan now going forward. Director Stickney references her suggestion to extend the decision deadline for the preliminary plan to September 17, 2019 with the Applicant coming back to our next meeting on September 10, 2019. At that time, she hopes to have the Town Engineer's recommendations.

Mr. Grady mentions that they are agreeable to extend deadline until September 17. However, he mentions that they are scheduled to attend the September 10th meeting for Site Plan approval for the two lots, as well. He asks if they would still discuss the two sites at that point. Director Stickney does not see any reason why they can't discuss it, but they will not have filed the Definitive. But at least the presentation can be made related to what you are planning to do on the site(s). Chair Harnais doesn't think there is an issue with that.

Member Mikami **MOTION** to continue the matter to the Planning Board meeting on September 10, 2019 conditional on the Applicant's agreement to extend the decision deadline for the preliminary plan to September 17, 2019; seconded by Member Erinna; voted 4:0:0. Members Downey and Baker are not present for this Hearing; Associate Member Hector Erinna voted on this matter.

CONTINUED PUBLIC HEARING

16-18 Pearl Street – File #05-06

Major Modification of Special Permit/Site Plan Review

McDonald's USA LLC, Applicant

8:19 PM – Three Planning Board Members and Associate Member Hector Erinna are participating. Members Downey and Baker are not present for this Meeting.

Present for the Applicant: Eric Debrulle, Bohler Engineering

Eric Debrulle of Bohler Engineering, is here on behalf of Jim Cranston who presented on March 12, 2019 and June 11, 2019 for the McDonald's proposed renovations. At that last hearing on June 11, 2019, it is Mr. Debrulle's understanding that the Planning Board wanted to work through the draft conditions before taking any further action. It is Mr. Debrulle's understanding that those conditions have been prepared. The only other point of update is that the project went before the Zoning Board of Appeals on July 22, and they were approved for signage. That signage has been shown on the Site Plan from the beginning, so it is not new information.

Chair Harnais opens the discussion to the public. There is not discussion from the public.

Member Mikami asks Director Stickney if all issues have been resolved from the last two meetings. Director Stickney states at last meeting there was time spent on landscaping. There was some confusion today on plans. Director Stickney asked the Applicant that the 11X17 be included, and she needs to recheck to confirm that it has been included. Staff has asked for landscaping to be in place prior to the Certificate of Occupancy, especially around Washington Street. The Applicant has no issues with that, and he can point out additional plantings. Director Stickney states the majority of the conditions are construction related. Conditions were added that state: Workers are not to park on the street; Dumpsters used as part of demolition should be covered each evening and will not impede site line. Director Stickney states the original Special Permit that allowed the Applicant, as a fast-food restaurant, becomes an Exhibit and this references the current Site Plan before the Planning Board.

Member Mikami mentions that they had discussed challenges of traffic flow, and confirms that we maintained the flexibility for future review of traffic if it becomes an issue. Member Mikami has driven by the site a few times and notes that the Applicant has done a better job with side parking area.

Member Joyce has no further questions.

Chair Harnais has no questions as long as issues have been addressed from the prior meetings. Director Stickney states they have been addressed through the conditions, and she will be checking the plans tomorrow before we file anything.

APPROVED

Chair Harnais confirms that there are no comments from the public.

Member Mikami **MOTION** to approve correspondence; seconded by Member Erinna; voted 4:0:0.

Member Mikami **MOTION** to close the Public Hearing; seconded by Member Erinna; voted 4:0:0.

Member Joyce **MOTION** to approve the Major Modification for McDonald's USA, LLC, 16-18 Pearl Street, File #05-06, with conditions as stated; seconded by Member Erinna; voted 4:0:0.

CONTINUED PUBLIC HEARING

0/5 Columbian Street – File #08-06

Major Modification of Special Permit/Site Plan Review

VCA Animal Hospital, Applicant

8:25 PM – Three Planning Board Members and Associate Member Hector Erinna are participating.

Members Downey and Baker are not present for this Meeting.

Present for the Applicant:

Claudio Sala, Decelle-Burke-Sala and Associates

Claudio Sala, with Decelle-Burke-Sala and Associates, 1266 Furnace Brook Parkway, Quincy, advises that they are back here for two purposes: to approve the As-Built from the prior construction; and for the Major Modification. Mr. Sala confirms that Mr. Burke of his firm has been in contact with Staff Planner, Connor Murphy, regarding the As-Built. Mr. Sala states all conditions of the construction have been met, and they have updated the As-Built from the 2008 version.

Staff Planner, Connor Murphy, explains that we have to approve the As-Built before we can approve the Major Modification to the SP/SPR, as he has to reference the As-Built surviving conditions in the decision. Mr. Murphy has submitted a Staff Report to the Planning Board for the As-Built; the site has been built to the Special Permit specifications, and Planning Department is satisfied with the As-Built.

Member Mikami **MOTION** to approve the As-Built with surviving conditions 36, 38, 39, 40 and 41; seconded by Member Erinna; voted 4:0:0.

Staff Planner, Connor Murphy, states that the next matter would be the Special Permit/Site Plan Review Major Modification. Mr. Murphy explains that the Planning Department is in favor of the Major Modification; however, the Applicant has submitted a revised Site Plan. Mr. Murphy explains that this is a two board application, where the Applicant has to go before the Weymouth Zoning Board of Appeals. The Applicant did go before the Weymouth ZBA in July, but the decision is yet to be filed with the Weymouth Town Clerk. Mr. Murphy states there was discussion with regard to the parking problem. When visiting the site, staff witnessed that there was parking in the drive aisles, behind other cars, etc. Mr. Murphy did want to see additional parking. Mr. Murphy states, as part of this application, they are removing two spaces. However, with the current site plan, they are proposing three spaces. As detailed in the Staff Report, staff is of the opinion that one space along Columbian Street should be removed, as it is a conflict with the drive aisles and site distances. Another issue was the parking along Columbian Street. That was satisfied per the Braintree Police Department who reached out to MassDOT District 6 and requested No Parking Signs be placed on the portion of the Road Layout where cars have been parking. These signs have been installed recently and are enforceable by Braintree Police Department.

Member Mikami states he has driven by several times and saw flags put up; Member Mikami wasn't sure if they were from the auto dealership. Mr. Sala is not sure who was parking there or where the flags came from. Mr. Sala knows there has been pressure put on local businesses and VCA and that they are being watched closely.

Mr. Sala states the parking space that Mr. Murphy was discussing will be eliminated. There was a letter written by owners stating that they are not leasing spaces. Mr. Sala thought we had addressed the issue related to employees at the last meeting. Mr. Murphy confirms that they did.

Mr. Murphy did prepare draft findings and conditions for tonight's meeting, and with the Board's permission, he would like to edit them for punctuation and grammar.

Member Joyce has no further questions or comments.

Chair Harnais clarified what needs to be revised in the conditions; Mr. Murphy explains modify but keep original intent. Director Stickney explains that, due to staffing issues, the office has been quite busy, and the conditions need minor revisions. The Applicant will be consulted before staff files the decision.

Member Mikami **MOTION** to approve correspondence; seconded by Member Erinna; voted 4:0:0.

Member Mikami **MOTION** to close the Public Hearing; seconded by Member Erinna; voted 4:0:0.

Member Mikami **MOTION** for positive approval for the Major Modification of the Special Permit/Site Plan Review to VCA Animal Hospital, 0/5 Columbian Street, File #08-06, with conditions; seconded by Member Joyce; voted 4:0:0.

CONTINUED PUBLIC HEARING

345-395 Quincy Avenue – Assessors Plan 3045/Plot 01 – File #19-07

Preliminary Subdivision

Citgo, Applicant

8:33 PM – Three Planning Board Members and Associate Member Hector Erinna are participating.

Members Downey and Baker are not present for this Meeting.

Appearing for the Applicant:

Michael Leon, Attorney-Nutter McClennen

Jeff Plant, Engineer-Environmental Strategies & Management

Joe Callahan, Project Manager- Environmental Strategies & Management

Attorney Michael Leon explains that they are here with a Preliminary Subdivision Plan that was submitted earlier this year. They appeared before the Board of Health to obtain their recommendations for approval of the preliminary plan about two months ago. The Applicant has appeared before the Planning Board at the July Meeting, and at that time the Planning Director provided additional questions and comments, which the Applicant have subsequently responded to in a letter dated July 29, 2019, which is part of the department's file. Attorney Leon acknowledges that there is a recommendation from staff to the Planning Board.

Attorney Leon thought it would be useful for him to provide an explanation for what is an unusual submittal. The Braintree terminal has been there since 1926 when it was originally developed by a predecessor to City Service Corporation. In 1982, the Citgo facility was subdivided to create the Clean Harbors facility. One of the activities that Citgo engages in, as do all the petroleum organizations around the country, is that they enter into terminalling

agreements, which are contract agreements with other major petroleum companies to effectively receive and store and distribute petroleum products for partners and other customers. They are basically storage and handling agreements.

At this point, the Citgo facility, which is approximately 61 acres large, contains a number of very large storage facilities that handle gasoline, ethanol and heating oil. It has become increasingly common to engage in different types of financing for inventory on the Citgo facility. Citgo has considered the possibility of creating a financeable unit on a separately created lot, which could be financed and mortgaged independently from the balance of the Citgo facility. In this case, it would be a single-storage tank (Tank #2 on the Plans). Mr. Leon continues discussion about terminalling agreements and explains they would continue to be operated and maintained as an integral part of Citgo terminal, which is heavily regulated under federal, state and local permits and laws. The Applicant has no intention of changing that complicated permitting regime. Mr. Leon discusses the many permits currently in place and their purposes. Mr. Leon further explains that they will be creating a new lawful lot, but maintaining it as an integrated piece of the Citgo terminal. There is discussion regarding creating this lot via an ANR. They are looking to create a compliant subdivided lot that would meet all of the town's requirements and avoid creation of any non-conformities with respect to any of the existing structures on the lot. What they were able to achieve in the configuration before the Planning Board is a fully compliant subdivision lot, which contains the necessary side yard, rear yard and front yard setbacks from all of the structures on Quincy Avenue, as well as the setbacks required to maintain compliance with the existing tank structure on Lot B. They are looking to create a paper subdivision that will allow them to create a new lot with no intention to do anything other than maintain it as a separately financeable parcel. The applicant has responded in correspondence to the Planning Staff's questions and concerns, and they have had a number of discussions about how they should show the proposed detail plans, which are required as part of the Planning Board regulations. They have sought to address them by identifying the location of all existing infrastructure that is servicing the Citgo parcel and show on the plans where they would be able to independently connect and provide water, stormwater, drainage and sewer access to that parcel if they were to sever it from the Citgo terminal. As they indicated on their cover letter, all access to that lot will be maintained within the secure perimeters of the Citgo terminal. Berms surrounding all of the tanks have to be maintained according to federal regulations. The stormwater system will remain integrated with all of the internal stormwater management and treatment system that they have, which serves all of the structures. In summary, they are appearing before the Planning Board to obtain approval of the preliminary plan, as recommended by staff.

Director Christine Stickney advises that she provided a Staff Report and made some suggestions on conditions that could be included as a preliminary approval. The biggest issue is, when the Applicant gets to the Definitive Subdivision stage, what would be a mechanism to guarantee that the created lot and layout is not conveyed. If, in fact, you are discussing this as a paper subdivision for financing purposes, if the Board approves it, that still allows it to be a conveyed parcel. Director Stickney doesn't think we will be able to answer that tonight, but before the Applicant makes their Definitive Subdivision approval, Director Stickney wants to work with the Town Solicitor's office.

Before the definitive, Attorney Leon envisioned addressing this through the covenants that would prohibit conveyance or transfer of lots until satisfying those obligations set forth in the covenants. His view is that Definitive Subdivision Plan approval would carry covenants that would prohibit the conveyance or transfer of the lot until various conditions have been satisfied. Attorney Leon's view would be that it is not conceivable that it would be conveyed. However, if there was a sale of that parcel, it would be subject to the requirement that it remain part of the terminal. There are security requirements under federal law; there is an ingress and egress through the

controlled gate system. They would have to work out a series of easements that they would be granting to the buyer that would permit them to operate as part of the terminal.

Director Stickney states the Preliminary Plan is a concept. Subdivision Rules and Regulations have very little direction on what needs to be done with a Preliminary Plan. The only department that did note opposition was the Fire Department; their concern was more about the reality of it being conveyed and built out. To be upfront, that will be a discussion in the Definitive process. Attorney Leon states he works fairly closely with Fire Department and have for the past 35 years, and he details the drills they run through with the Fire Department. Attorney Leon points out that they have a very substantial fire-fighting capability that they coordinate with the Fire Department. Attorney Leon asks about staff's comment related to a separate access into Lot B. As was pointed out, most of the people who park and use those two buildings on Quincy Avenue, park along the front of the buildings. There is a rear access, and probably two vehicles per day access the rear of those structures. Because they have one way in and one way out it is a fairly organized and orderly process. There is no traffic increase expected as part of what they are proposing to do. They would be prepared to include in a covenant any other requirements needed to satisfy the Fire Department.

Director Stickney states the only other point is the fact that we are, in the community, going through a Comprehensive Zoning Re-Write. This plan, if approved, and followed within 7 months, would afford the Applicant 8 year's zoning protection. The Town has always, in their subdivision, had had a condition on construction that it has to be completed within two-years. In anticipation of the Definitive, that will have to be another issue that will be brought up at the Definitive process. Although the Applicant will have 8 years protection on zoning and 3 years on environmental codes, the Planning Board has the ability to provide a condition to say they want the right-of-way built within that time. Director Stickney wants to put the issues out there up front. She has also mentioned that the creation of Lot 2 will have no open space on it. Lot 2 will need some relief from Zoning Board of Appeals because the Applicant will not comply with even today's zoning. Director Stickney highlights the issues that will be apparent for the Definitive and states they will try to address these at the staff level over the next few months. Attorney Leon did not want to create new non-conformities. Director Stickney states that staff recommendation is for approval of the Preliminary.

Member Mikami confirms that the primary impetus for doing this is financial. Attorney Leon confirms. Member Mikami asks staff, if you can do this to one lot or one tank, can you do it to every single one of the tanks. Director Stickney states she supposes you could. Attorney Leon states it is a little more complicated, and there are other approaches they could take. This provides a simpler mechanism. Attorney Leon would argue that it not really feasible to put every tank is a separate parcel, as they were not originally located with respect to issues of setbacks.

Member Mikami mentions that Citgo could be potentially be tied up with what is going on in Venezuela, and there are a lot of legal actions. Member Mikami does not want to see is some financing technique used, which multiplies the problems with the little Town of Braintree in terms of it getting caught up for the bigger problems of Citgo. Attorney Leon states current management of Citgo is an American based structure and independently managed from Houston, TX. A number of things have been severed from the Venezuelan operation.

Member Joyce has no further comments or questions.

Director Stickney states recommendation from Staff is approval noting the second page of her staff report. Director Stickney reminds the Board that with a preliminary approval is not recordable. It is just a courtesy to show what things will need to be addressed in the Definitive. Director Stickney would recommend that the Planning Board include those items in their decision.

Member Joyce **MOTION** to approve the Preliminary Subdivision for 345-395 Quincy Avenue, Citgo as Applicant, File #19-07, with comments noted by staff in the Staff Report; seconded by Member Erinna; voted 4:0:0.

CONTINUED PUBLIC HEARING

236-240 Wood Road – File #17-12 – Billboard Special Permit and Site Plan Review

Applicant: Logan Communications

8:54 PM – Three Planning Board Members and Associate Member Hector Erinna are participating. Members Downey and Baker are not present for this Meeting.

Chair Harnais advises that this matter will be continued without testimony.

Member Mikami **MOTION** to continue this Hearing to the Planning Board meeting on September 10, 2019 at 7:15 PM; seconded by Member Erinna; voted 4:0:0.

CONTINUED PUBLIC HEARING

60 Columbian Street – File #19-06 - Site Plan Review

Applicant: Brigham and Women's Hospital

8:54 PM – Three Planning Board Members and Associate Member Hector Erinna are participating. Members Downey and Baker are not present for this Meeting.

Chair Harnais advises that this matter will be continued without testimony.

Member Mikami **MOTION** to continue this Hearing to the Planning Board meeting on September 10, 2019 at 7:15 PM; seconded by Member Erinna; voted 4:0:0.

NEW BUSINESS/OLD BUSINESS

Approval of Planning Board Meeting Minutes for the Regular Session on June 11, 2019.

8:54 PM – Three Planning Board Members and Associate Member Hector Erinna are participating. Members Downey and Baker are not present for this Meeting.

Member Mikami **MOTION** to approve the minutes from the regular Planning Board Meeting on June 11, 2019; seconded by Member Erinna; voted 4:0:0.

NEW BUSINESS/OLD BUSINESS

Request for Minor Modification to Special Permit (s) and Site Plan Review

238-310 Grove Street – File #89-17 – Requested by: Michael Moran, Black Creek Group

8:55 PM – Three Planning Board Members and Associate Member Hector Erinna are participating. Members Downey and Baker are not present for this Meeting.

Staff Planner, Connor Murphy, states that we have a Request for Minor Modification for Stop & Shop Plaza, 238-310 Grove Street. There is a Staff Report on the Minor Modification. Essentially, they were directed by the Building Department to install a handicap ramp at the back portion of the site to provide access for handicap users to Crunch Fitness. In doing so, they had to shift utilities, including reserve parking and dumpster areas. Mr. Murphy explains that the Planning Department is in favor of this Minor Modification.

There are no comments from Planning Board Members.

Member Mikami **MOTION** to approve the Minor Modification for 238-310 Grove Street, as conditioned by staff; seconded by Member Erinna; voted 4:0:0.

Member Mikami **MOTION to adjourn** the meeting; seconded by Member Erinna; voted 4:0:0.

The meeting adjourned at 8:56 PM.

Respectfully submitted,
Louise Quinlan,
Planning/Community Development