



Mayor
Charles C. Kokoros

Department of Planning and Community Development

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PLANNING BOARD

Erin V. Joyce, Chair
Kimberly Kroha, Vice Chair
Darryl K. Mikami, Clerk
William J. Grove, Member
Thomas M. Kent, Member
Jennifer Connolly, Alternate

Approved 4/11/2023

Braintree Planning Board – Tuesday, January 10, 2023, at 7:00 PM – Cahill Auditorium

Present:

Ms. Erin Joyce, Chair
Ms. Kim Kroha, Vice Chair
Mr. Darryl Mikami, Clerk
Mr. William J. Grove, Member
Mr. Thomas Kent, Member
Ms. Jennifer Connolly, Alternate

Melissa SantucciRozzi, Director
Connor Murphy, Assistant Director

Chairwoman Erin Joyce calls the meeting to order at 7:00 PM In Cahill Auditorium and then states that we have a full Board present this evening with five (5) full members (Chairwoman Joyce, Member Kroha, Member Mikami, Member Grove, Member Kent) and one (1) alternate member (Jennifer Connolly) in attendance. We will address Old/New Business Items and the Public Hearing will begin at 7:15 PM.

OLD/NEW BUSINESS – Approval of Meeting Minutes: November 9, 2022

7:01 PM – Five Planning Board Members and one (1) Alternate Member are participating.

Chairwoman Joyce explains that we have meeting minutes for approval this evening from the Planning Board Meeting on November 9, 2022. The Chairwoman asks for any comments, questions, and revisions from Board Members. If there are none, we need a Motion to approve those minutes.

Member Kroha **MOTIONS** to approve the meeting minutes from the November 9, 2022 meeting; seconded by Member Mikami; voted 5:0:0.

Chairperson Joyce would like to make a note related to something not on our Agenda this evening. In the November Meeting Minutes, towards the end of the meeting, it was noted in our minutes and at that meeting that we were going to be adding a term limit discussion to our Agenda in December. The Chairperson understands that the Town is working on a write-up for us related to this. Chairperson Joyce asks to put this on the February Agenda. Director SantucciRozzi confirms that would be appropriate and explains she didn't want to put it on the agenda if she didn't have a letter from the Town Solicitor. Crystal Huff is putting something together for the Board. Chairperson Joyce asks to make note to keep this as a tracking business item on next month's agenda so that doesn't fall off of our radar.

OLD/NEW BUSINESS – Request for As-Built Approval and Release of Surety

File #21-19 – 140 & 150 Wood Road

Requested by: 140 Wood Road LLC and 150 Wood Road LLC (Brian O'Connor, Manager)

7:03 PM – Five Planning Board Members and one (1) Alternate Member are participating.

Director SantucciRozzi explains that this application was for two permanent make-up artists that were looking to occupy suites at that building, and they needed a Special Permit. At the time of application and review of the site, staff determined that there were a few components of the site that were not in compliance with the previously approved Record Plans. Director SantucciRozzi has been working very closely with the O'Connor Company and their representatives on bringing the site into compliance, which included removing a lot of excess pavement, adding landscaping, getting their dumpsters into an approved location and closing those, cleaning out the drainage system, and bringing some lights that were not functioning back to life. There are some tenants that spill over into the evening on that site. She does want to commend the property owner for working very closely with staff. It has been a pleasure to work with them. The Director thanked the property owner for improving their site and following the conditions. We have an as-built plan that reflects those minor modifications on the site. There was one item that was outstanding in the conditions of approval. That was the ongoing Stormwater Operations and Maintenance Plan, and they have provided the Director with something today. Everything has been completed in accordance with the Conditions. At this point, Planning Staff is recommending that we return the As-Built Surety of \$2,000 and Grant As-Built Approval with Conditions: 1, 2, 13, 15, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 as surviving.

Chairwoman Joyce will take comments from Board Members.

Member Kroha has no comments or questions.

Member Mikami has no comments or questions.

Member Kent has no comments or questions.

Member Grove has no comments or questions.

Member Connolly has no comments or questions.

Chairwoman Joyce does not have any further comments or questions; with that, Chair will entertain a Motion for approval and release of surety with the remaining conditions noted by staff surviving.

Member Kroha **MOTIONS** to grant As-Built Approval with surviving Conditions 1, 2, 13, 15, 21, 22, 24, 25, 26, 27, 28, 29,30, 31, 32, 33, 34, 35, 36 and 37; seconded by Member Mikami; voted 5:0:0.

OLD/NEW BUSINESS – Approval Not Required (ANR) Subdivision Plan

351 Lisle Street – Nik Vasilakos, Applicant

7:06 PM – Five Planning Board Members and one (1) Alternate Member are participating. -

Chairwoman Joyce asks staff for an overview on this matter.

Assistant Director Connor Murphy advises that the Applicant went through the Zoning Board for a Variance from 135-701 (Notes(2)) for the required lot width, as referenced on the ANR Plan. That Variance is reflected on the ANR Plan. Applicant is seeking to combine three parcels of land and turn them into two separate lots, as depicted on the ANR Plan. One will maintain the existing dwelling at 351 Lisle Street, and the other parcel will be a buildable lot towards the rear.

Chair Joyce asks if anyone on the Planning Board has any comments or questions on this.

Member Kroha has no comments or questions.

Member Mikami has no comments or questions.

Member Kent has no comments or questions.

Member Grove has no comments or questions.

Member Connolly has no comments or questions.

Chair Joyce has one question, and she did reach out to staff on this earlier. She asks about monumentation on this plan in particular. With the creation on the new lot, it would be beneficial to provide monumentation on the new lot especially at the road right-of-way. Mr. Murphy advises that staff did reach out to the Applicant and their surveyor, and they can speak to that tonight.

Timothy Bennett with Grady Consulting is the Land Surveyor, with his stamp on the plan, and he explains that they did not intend to set any additional monuments. He would like to call the Board's attention to three existing monuments on the property: the front left corner where there is an iron pipe and he is reticent to set an additional monument where there exists one already; the left rear corner of the front lot there is an old fence post, which would have to be removed to set a monument there; the angle point in the new lot 139 feet back has an iron pipe near that corner. The mathematics are provided as 1.55 feet along the line and .66 feet off the line. Given there are three monuments on the locus, as well as three stone bounds shown on the other side of Union Street, which any competent surveyor could calculate the location of, they didn't feel it was necessary to add more monuments. Chair Joyce asks if that wouldn't be the surveyor's standard of practice to provide monumentation as part of this? Mr. Bennett advises that at the point when a Building Permit is applied for the rear lot, Mr. Bennett would expect that the property owner may want to have it monumented, but that would be their choice. Chair Joyce asks staff if there is any requirement through the building process that would trigger someone to provide or require that monumentation or would that be the applicant/owner's interest. Mr. Murphy states he believes Mr. Bennett alluded that it would be the owner's interest. Mr. Bennett explains that it is a typical request from the contractor if they build a house to have the lock corner staked or monumented.

Director SantucciRozzi states the stakes are one thing, but the monumentation is more permanent. The Director states if the Planning Board is looking for additional monumentation, that is within their purview as part of this process. The Planning Board is the one creating this lot through endorsement of this plan. Typically, through the Building Permit process, they don't always have them staked. If somebody is going to be working in close proximity to a property line, staff has that staked prior to it starting so everybody knows who owns what and what is where. The Director's recommendation would be, if the Planning Board is interested in additional monumentation, we do it now when the plan is recorded because there is no recording of Building Permits.

Chair Joyce did note the monumentation found at the corner of Union Street and Middle Street, but she didn't see any record math that would take you back to finding those if the surveyor was to go back and recreate your work and recreate your survey in the field, which is why she was thinking that it may be in the Town's interest if an opportunity was here with this application seeking this lot to at least place markers on the frontage on Lisle Street. The Director states whatever the Board is looking for, we should do now, and she advises that, when we do Definitive Subdivisions, we typically mark all the changes in curvature along the road where the property

line and the layout meet. Chairwoman Joyce is thinking this in line with what we would do in a typical subdivision. The Chairwoman notes that it looks like there is one marker on Lisle Street in the Southwest Corner. We would be looking for two other points that designate the corner of Lot C and the corner of Lot D. Chairwoman Joyce asks if the surveyor thinks that is reasonable. Mr. Bennett states it certainly would be reasonable. He notes that, in reading guild regulations, there was no requirement for them to include additional monuments. They would be happy to install iron rods at the front corners, if that would suffice and they could get the plan signed tonight. The Applicant has an agreement in place to sell both properties to the same owner, so time is of the essence. Mr. Bennett suggests that he could provide staff with photographs or a signed statement verifying that we set the corners. Chairwoman Joyce explains we are just noting that we would be endorsing it with the expectation that some sort of monuments would be set. Director SantucciRozzi adds that she would think they would be added to the mylar, and we can get that signed within the next couple of days.

Mr. Bennett notes, to the Chair's second point regarding the monumentation across Union Street, part of the reason he did not show the mathematics was because he didn't want to certify the boundary lines of property that he didn't survey. Chair Joyce explains that we see an overall lack of monumentation in Braintree and lack of awareness of the importance of that. Moving forward, to protect the residents and everyone's best interests, she thinks it is important to have that monumentation and for it to be available to other people doing work in the community.

Chairwoman Joyce concludes that was her only comment, and we would just need a motion to endorse the ANR and have the two monuments shown on the plan that will be ultimately signed.

Member Kent **MOTIONS** to endorse the ANR and add the two monuments discussed at this meeting to the ANR plan; seconded by Member Grove; voted 5:0:0.

Member Grove asks if we had any response from Town Counsel. Chairwoman Joyce notes that she mentioned at the beginning of the meeting that the Town Solicitor is working on a memo, and we would most likely have that available at the February Meeting. Regardless, it will be an item on the February Meeting agenda. Member Grove thinks somebody is losing a little perspective here because if it turns out that we are not legally constituted as a Board then a lot of our votes are useless, and he suggests that perhaps Chairwoman Joyce can tell him different. Chair Joyce states she is not a legal expert, and we are waiting on the town's expertise; she doesn't have control of that aspect, other than to ask about placing it on the February agenda. Member Grove asks if Member Kroha has any input. Member Kroha would not want to say anything one way or another. Chairwoman Joyce states, regardless, we will have it on the February agenda, and hopefully at that point, we will have feedback from the Town Solicitor. Director SantucciRozzi notes that we have not been advised not to hold meetings – so she is not concerned with us moving forward. Member Grove confirms that the Solicitor will be present for that meeting.

PUBLIC HEARING: Town Council Order #22-073 – Zoning Ordinance Text Amendments (Floodplain) – Updates to Sections 135-301 and 135-608 – Planning Board, Applicant 7:20 PM – Five Planning Board Members and one (1) Alternate Member are participating.

Director SantucciRozzi reads the legal notice into record.

Chairwoman Joyce asks staff for an overview of the Text Amendment, an explanation of what facilitated it, and where we are in the process. Then we can take comments from the Board and the public.

Director SantucciRozzi explains that, about a year ago, the Town was subject to a community assistance visit, which the Director has included in her cover letter to the Council. During that process, they do an audit of what we are doing with our floodplain, they look through floodplain application files, and they look at building permits for things in the floodplain. There were two other components of that process. One was that the Charles River Watershed was looking at the floodplain maps, and they actually issued some draft maps. Staff worked with the Engineering Department to get notices out to people where things were changing. That came to a screeching halt, and they were doing more work and have not issued anything on those maps to date. They will be, hopefully, in about a year from now.

The second component was FEMA (Federal Emergency Management Association), who has a "Model Bylaw" to get communities in compliance with what FEMA would like to see in the local ordinance. Staff did a comparison of the old ordinance with the new and combined them together. This was shared with our contact at DCR; what we have this evening is the version, which they are happy to say is in compliance with FEMA requirements. This checks another box on our Community Assistance Visit.

The last component will be changing the map reference in the actual text when those maps are issued. We asked if we could say "as most recently amended" so we wouldn't have to amend it again, but the answer was "no". They actually want the panels and references denoted in the actual ordinance itself. The Director advises that there is not much discretion here for the Planning Board. The Director advises that we do want to stay in compliance with the National Floodplain Insurance program, which provides insurance to residents in the community that are in floodplain areas and above and beyond that, we maintain the community rating system, which gives Braintree homeowners a 15% discount on their flood insurance. Basically, this is the new face of floodplain, and we are trying to stay in compliance with FEMA in protection of our residents in the community.

Member Kroha asks for a short explanation of what is different from the old version.

Assistant Director Connor Murphy states we added more definitions, and we took wetlands out of the title and throughout. In addition, we defined each floodplain zone, as required within the audit. We added additional sections such as the Disclaimer, the Severability, Recreational Vehicles.

Member Mikami asks if these changes would impact any recent projects or future projects. The Director would say a lot of this was defining things. One of the major take-aways was the elevation above the floodplain elevation. Now it is one foot. In the building code, in the AE you will need to be two feet above and the velocity zone you need to be three feet above. The Director thinks they are trying to get a little more stringent within their jurisdiction. Member Mikami asks about the pool and hockey rink, and the Director advises that it is not in the floodplain.

Member Kent asks for an estimate of how many buildings or homes would be affected by this. The Director advises that what affects them more are the elevations within a community, and she states she doesn't know how many properties are in the floodplain, but she can send a map to Member Kent that shows this tomorrow. There is an overlay in the GIS system that shows that.

Member Grove confirms that this is total removal of any wetland references. Have we lost any regulatory oversight because it got deleted? Do we need additional protection for the wetlands? The Director is not sure why it included reference to wetlands, and she advises that wetlands are not mapped and regulated in that manner.

She explains that Wetlands change constantly, and the Floodplain is an established boundary that is established by FEMA and we are bound by those maps. "Wetlands and Floodplain" was in the title, and then it never appeared anywhere in the section. Removing it has no impact on anything. The Planning Board does not have jurisdiction over wetlands.

Chairwoman Joyce was wondering that same thing related to potential protection. She did note that there is a comment that says "in the absence of their being a FEMA designated flood zone, if the Special Permit Granting Authority determines that flooding exists, the Floodplain Protection District boundaries shall be 50 feet from any wetlands as defined by MGL Chapter 131. The Chairwoman comments that is an odd metric to have still in the model. MSR states if there was a flooding situation and we felt strongly about that, we would look to get a map amendment to include that because otherwise it is just subjective. The Director is not disputing FEMA, but she doesn't see that happening. The Director advises that every time we update this, it is based on what FEMA tells us to do. We follow the federal requirements and look at the maps every day. If we were faced with an area that was not mapped and we knew of some significant ongoing flooding there, we would take it to a higher level to have it vetted properly.

Chairwoman Joyce wants to make sure we don't lose sight of wetland regulations. She was wondering if we should add any of applicable our local bylaws to that section to ensure that wetland protection is tied to this, under Section L. The Director confirms that Chair Joyce is looking to add a reference to our local wetland ordinance.

Member Connolly's question was answered.

Member Kroha mentions that Section O talks about Variances; it is very confusing. The reference should be 406 and not 407. The Director advises that they had lengthy discussions with the state about this. They were not aware that you could get variances from the floodplain, and the town is not interested in granting this. There is too much liability. The Zoning Board of Appeals will not be granting variances from any floodplain. The Director mentions that 407 is the correct reference.

Chairwoman Joyce asks who the Town of Braintree's Floodplain Administrator is. Director SantucciRozzi advises that it is her or her designee.

Chairwoman Joyce states there are no individuals from the public in attendance.

Member Grove **MOTIONS** to close the public hearing; seconded by Member Kent; voted 5:0:0.

There is no correspondence to admit into record.

Chair Joyce will entertain a motion on a recommendation to Town Council.

Member Kent **MOTIONS** for a favorable recommendation to the Town Council; seconded by Member Grove; approved 5:0:0.

OLD/NEW BUSINESS – Update on the MBTA Communities
7:39 PM – Five Planning Board Members and one (1) Alternate Member are participating.

Director SantucciRozzi that advises staff was at the Town Council Subcommittee meeting on Community Planning. That was before the holidays and on Zoom. The Director will present the “Reader’s Digest” version. The Planning Board will be tasked with making recommendations and weighing in on any zoning changes.

Braintree is a rapid transit community, and based on our total year-round dwelling units, we are tasked with providing zoning that allows for the construction of 3769 units and 50% of our area that we put into a district that allows for multi-family zoning “by-right” 50% of that needs to be within a half-mile radius from either The Landing or the Red-Line. There are a couple performance measures that the state has rolled out for us, and one already happened. Back in May, we did a brief presentation to the Town Council and the Director submitted a very preliminary form acknowledging we are in compliance with the requirements right now.

The next performance measure will be due on January 31, 2023, at which time we need to submit what is called our Action Plan. It is a fillable form that the state has put out. The Director reviews some of the questions. One question asks about MBTA stations in other communities that are within the half-mile radius. She advises that Quincy Adams is within ½ mile of our community.

The Director advises that our local team is Director SantucciRozzi, Connor Murphy and Crystal Huff, Assistant Town Solicitor. MSR applied to Mass Housing Partnership for technical assistance. They have paired us with Eric Halverson from RKG, who is also on our Master Plan Team as one of the consultants. He is a good fit, as he is familiar with the community and understands some of the issues and concerns here locally. The form goes on to ask different housing questions. In this section, the Director will include that we are working on our Master Plan right now and some different strategies that we have employed in relation to housing, including a narrative describing the work we did at Windjammer and Allen Street. Mayor Kokoros also has the Director looking at 74 and 90 Pond Street, as well as 85 Quincy Avenue, for use with senior, veteran and disabled populations.

Then it gets into zoning – what do you have, what are you going to do, how are you going to do it? It asks if we have any existing zoning districts that comply, and we do not have any districts in Braintree that allow multi-family “by-right” at 15 units an acre. We have Residence C, but density is not at 15 units and acre. In the landing, the base density is 19 units, so we could possibly amend that to change the Special Permit to a “Y”. We are also looking at overlay districts or potentially a new base district. We really haven’t gotten that far. Do we want to completely overhaul the Highway Business District, or do we want to add an MBTA overlay district that would call out the requirements related to multi-family housing in those particular areas. The Director will put together a narrative, and she has started compiling parcel data and areas. The more acres you have in the district the lower the density; the few acres – the higher the density. She is looking at existing projects that we have permitted, what we have built, what works, and coming up with something compatible.

The last question is coming up with a timeline. That will include things like public outreach, developing zoning, public hearings. Basically, we have until the end of the year to get the zoning lined up. Staff has a technical assistance call tomorrow. The state has put out a compliance model, which is an input system where you input your factors of zoning to demonstrate that you can build that zoning. They have put together a program where you can input factors. This is a requirement to have zoning in place, but there is no requirement to build anything. The Director advises that it can get overly complicated; she is trying to make it simple and break it down so that people can understand it. There is plenty of land around each of the stations for us to come up with something that is not in residential neighborhoods and is not taking Residence B and making it MBTA Zone. We are looking at properties that have the ability to support this type of density and this type of use.

The Director has thought a lot about this, and she thinks there are three positions: (1) you can do the bare minimum just to comply; (2) you can be creative and look at this and look at what you have and see how you can build upon what we have in our existing zoning; or (3) some communities will use this as a redevelopment tool; they will incentivize people through density and through zoning to get rid of things they don't want in their community. There are a lot of communities going for technical assistance. We are looking for something that works for the community, is compatible with what we have been doing, and hopefully makes sense for Braintree. The Director will be working on this over the next two weeks and looking to submit it around January 23, 2023. She will be looping the Planning Board in on any type of drafting and language. Technical assistance partners will provide input tomorrow.

Chairwoman Joyce confirms that 50% of the district must be in the ½ mile radius.

Member Kent confirms that this applies to any town that has a commuter rail and/or subway. Director SantucciRozzi advises that there are different categories. She reviews the various communities that it would apply to. As you get further away, the percentage of units gets less and less. We must have 25% of our year-round dwelling units. That is what is generating that 3,769 number; we have 15,077 year-round units.

Member Mikami advises that they probably should have thought about this 30 years ago. He asks if they are going to force us to build units. What if we don't comply? The Director explains, if you decide that you don't want to comply, there are multiple grant programs you will not be able to apply for, including the MassWorks Grant. One of these programs provides substantial funding to local housing authorities. There is the possibility of losing funding if you don't comply with requirements. She is looking for information on what Braintree Housing Authority gets from these programs. The Director doesn't think they are in any position to lose funding.

Member Mikami asks, when thinking about ½ mile radius, where would be a logical area for potential development that would meet this criterion? The Director advises that they are looking at the existing zoning for The Landing. If we can switch the "SP" to a "Y", that would very likely mirror the Braintree/Weymouth Landing District. If we look at the red-line Braintree T Station, she is looking at a linear district to create more of a mixed-use corridor, potentially in South Braintree Square. One question is can you work your way out with lower density. Hopefully, over the next couple of months, we can work on potential areas.

Chairwoman Joyce mentions that she sat in on a presentation. She confirms that there is no requirement to produce housing, but there is a requirement to have zoning be situated so that someone could come in "by-right" and build this. Chair Joyce thinks this housing crisis is a constantly evolving issue at a local, state and even national level. Chair Joyce states it would be helpful to have some imagery to help show what these densities look like. Chair Joyce expresses that 15 units an acre is not really that dense when you think about a two or three-story building, and she feels it would be helpful to have some of that visual to help with the conversation. The Director has some local examples that she has used in previous presentations. MAPC did a 200-page presentation that shows what different levels of density looks like. The Director thinks we can learn from some local examples and expand upon that.

OLD/NEW BUSINESS - Master plan update

7:58 PM – Five Planning Board Members and one (1) Alternate Member are participating.

Chairwoman Joyce confirms that the overall vision statement update was presented at the combined December Meeting. Chair Joyce states our next Master Plan Steering Committee meeting is next week (Thursday, January 19), as we get into the next phase. The Director advises that we are continually trying to get new people to get involved. The Schedules for Phase 3 and Phase 4 will be on the website. We do updates on all of the agendas.

Member Grove **MOTIONS to adjourn** the meeting; seconded by Member Kent; voted 5:0:0.

The meeting adjourned at 8:02 PM.

Respectfully submitted,
Louise Quinlan
Planning/Community Development