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Mayor

Department of Planning and Community Development

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PLANNING BOARD

Robert Harnais, Chair
Erin V. Joyce, Vice Chair
Darryl Mikami, Clerk
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Phillip J. Baker, Member
Hector Erinna, Alternate

APPROVED

Braintree Planning Board – May 14, 2019 – Cahill Auditorium

Present:

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| 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 | |
| Mr. Phillip J. Baker | |
| Mr. Hector Erinna, Alternate Member | |

Chair Harnais calls roll at 7:02 PM. Five (5) members and one (1) alternate are in attendance.

NEW BUSINESS/OLD BUSINESS - Zoning Board of Appeal Petitions – May 2019 7:02 PM – Five Planning Board Members participated.

Assistant Director SantucciRozzi explains that there are six (6) petitions before the Zoning Board of Appeal for May 2019, but we have not prepared any recommendations for the Planning Board's review for this month, as we have lost a staff member. These recommendations will be ready for the Zoning Board of Appeal Meeting on Monday, May 20, 2019.

NEW BUSINESS/OLD BUSINESS

Approval of Planning Board Meeting Minutes for Tuesday, April 9, 2019 7:02 PM – Five Planning Board Members participated.

Member Joyce **MOTION** to approve the minutes from the Planning Board Meeting on April 9, 2019; seconded by Member Downey; voted 5:0:0.

NEW BUSINESS/OLD BUSINESS

Request for Bond Release and As-Built Approval File #12-02 – 2-10 Commercial Street (Administrative Site Plan Review) Requested By: Harry Sarras/Bates Bar and Grill 7:04 PM – Five Planning Board Members participated.

Director Christine Stickney explains that she has given everyone a Staff Memo. The approved plans have been provided. Director Stickney explains everything seems to be in order. There is one issue with the Building Department. With the As-Built Plan, the building measured 32 feet; however, the approved plan was 27 feet. They are having some trouble locating the plans in the Building Department. The Planning Board has the option to consider that to be a Minor Modification. Director Stickney states the applicant has met all of the other conditions.

The Applicant, Harry Sarras, explains he tried to get the plans through the Building Permit from the Building Department about two months ago. It took the Building Department about two-three weeks to get all of his

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information. Mr. Sarras is sure that Director Stickney is having the same issue. Director Stickney states everything looks good, and she suggests voting this as a Minor Modification and accepting the As-Built.

Member Phillip Baker asks if the 5 feet is impeding on a setback. Director Stickney explains that at that location the setbacks are zero-to-zero, and the applicant needed to get an easement because the front of the building is a couple of inches over the property line. Chair Harnais states there was an issue regarding the brook. Mr. Sarras confirmed this.

Member Mikami asks if Mr. Sarras is planning to have outdoor seating. Mr. Sarras states they have had it since last season; he got all permits and insurance necessary for it. That all was approved, and Town Council got everything they needed. Member Mikami asks about parking on Brookside Road. Mr. Sarras explains that the town is trying to work with residents and businesses to alleviate some of the parking issues. The town is suggesting parking on one-side of the street, which Mr. Sarras agrees is a good idea. Mr. Sarras states that he is working with Mayor's Office, businesses and residents; a couple of meetings have been held. There was a plan drawn up to park only on the southbound side until the curve and after the curve change it to the other side. Member Mikami states that is very positive. RH states the building looks good.

There are no further questions or comments from the Planning Board Members.

Member Joyce **MOTION** for As-Built Approval with the following: Conditions 13, 15, 29, 30, 31, 32, 40, 42, 43, 44, 45, 46, 47, 48 and 50 surviving conditions running with the title of this property; seconded by Member Downey; voted 5:0:0.

Member Joyce **MOTION** to release, under Condition #4, the performance bond in the amount of \$10,000 and to release under Condition #16 the cash surety in the amount of \$5,000 once the Applicant has recorded the As-Built Certificate with proof of recording from the Registry of Deeds; seconded by Member Downey; voted 5:0:0.

Member Joyce **MOTION** to accept the discrepancy on building length as a Minor Modification; seconded by Member Downey; voted 5:0:0.

Meeting is suspended until 7:15.

PUBLIC HEARING

1515 Washington Street – Major Modification of SP/SPR – File #18-15

Applicant: Foxrock 1500 Campus Realty LLC

7:15 PM – Four Planning Board Members and one Alternate participated. Chair Harnais recuses himself from this meeting; Alternate Member Hector Erinna participates in this hearing.

Present for the Applicant:

Frank Marinelli, Attorney

Mark Carroll, Chief Operating Officer for Foxrock Properties

Mark Pristawa, Asset Manager for Foxrock Properties

Rob Woodland, Engineer-TetraTech

Glenn Dougherty, Engineer-TetraTech

David Falconi, Chief Operating Officer for Mass Lottery

Greg Poland, General Counsel for Mass Lottery

Richard Reale, Manager of Facilities for Mass Lottery

Matthew DiFrancesco, Asst. Exec. Director of Operations for MassLottery
Walter Jenkins, Regional Project Manager for DCAM

Vice Chair Erin Joyce opens the Public Hearing and reads the Public Notice into record.

Attorney Frank Marinelli appears on behalf of FoxRock 1500 Campus Realty LLC. The application is for the Mass Lottery to occupy approximately 65,898 square feet of the 1515 Warehouse building for warehouse and accessory office use. Last month the Planning Board approved the non-profit, Good Sports, at the same location. Attorney Marinelli provides background on FoxRock and the purchase last summer of the former Walworth building. Attorney Marinelli orients the Planning Board on the layout of the four-building, four-lot South Braintree campus that FoxRock has purchased. Attorney Marinelli explains who the tenants are for each of the buildings so far. At 1501 Washington, which has been vacant for years, there is a health service organization. At 1515 Washington, there is Good Sports, Iron Mountain and South Shore Elder Services. Tonight we seek to have Mass Lottery occupy 65,898 square feet of the 1515 Washington Street building. Attorney Marinelli provides background on the FoxRock organization, specifically the property they own in the Town of Braintree. He explains that 1515 Washington is approximately 275,000 square feet – it is the biggest building of the four buildings on the campus. It is situated on 13.98 acres of land in a Highway Business Zone. Warehouse is a Special Permit use in a Highway Business zone. While seeking this Special Permit they reserve all rights as to the warehouse use at the building that pre-existed. Attorney Marinelli states 1515 Washington is built out as a warehouse and provides an example of the warehouse space. Most of the Lottery's use is as warehouse space. There are 20 loading docks on the westerly side of the building and another 10 loading docks on the southerly side. Braintree has been home to the Lottery for many years. Only a subset of the Lottery's operation, primarily warehouse, will be located at 1515 Washington Street (approximately 90 employees, with 25 on the road as Field Technicians and Sales Personnel). The remaining portions of their business are going to Dorchester and Norwell (30-40 IT employees).

Attorney Marinelli reads a narrative that describes the primary warehousing operation at 1515 Washington. Typical hours are Monday through Friday, 5:45AM to 7:00PM, including Saturday's for technical support and warehouse staff. Attorney Marinelli describes Shipping/Receiving functions. Daily trucking is minimal with 15-20 trucks per day. Vehicular traffic is limited to those working at the facility, which is estimated at 90 employees, with 25 being on-the-road. Attorney Marinelli highlights the floorplan; 44,365 square feet (in blue on the plan) is warehouse, and another 11,571 square feet (in green on the plan) is assembly, machine repairs, destruction of excess tickets, etc. The warehouse-type function, the larger portion of the space, is 55,936 square feet of the 64,064 square feet. That includes warehousing, equipment repairs, electronics, and mail/copy area. The 5,563 square feet is accessory offices, and the 2,565 square feet is small retail service for large ticket cashing (\$600 or more). To summarize, 85% of the space is warehouse/commercial, 8.4% is accessory office, 4% is small retail and the rest is common area.

Attorney Marinelli explains that Glenn Dougherty and Rob Woodland, from Tetra Tech, have prepared the parking summary and report, which is in the record. The parking required by Zoning, 77 spaces, is met. Condition 35 of the draft conditions shows the parking table, which shows the required parking for each business. There are more than adequate spaces for parking. There are 283 parking spaces at the site, which is more than enough for the Lottery and other existing uses. There is an area in front of the rose-colored building; when that property was deeded to Thayer Academy, there was reserved use of about 100 parking spaces in front of the building that FoxRock has an easement to. Also at 1505 Washington, a 21,000 square foot building that is used as a data center with 1 space per 1000, there are 80 extra spaces.

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Attorney Marinelli is going to talk about the signalized intersection at Braxton and Washington, which is addressed in Conditions 42 through 45. The conditions provide for monitoring of this intersection at 12 months. The Planning Board has the option to extend this to 24 months.

The Applicant is confident that the level of service is accurate in the Traffic Report; Attorney Marinelli refers the Planning Board to page 7 which states there should be no significant impact on future traffic operations at the site driveway and surrounding area roadways. If there is any impact, the Applicant will work with Mass DOT to optimize the traffic signal timing; this has been addressed in Conditions 42 through 45. Attorney Marinelli feels everything has been covered, and acknowledges staff's hard work and the fact that they have met extensively. Attorney Marinelli states this warehouse is perfectly suited for this type of operation.

Attorney Marinelli states that Draft Conditions are acceptable to the owner and to Mass Lottery. As part of Special Permit, it is not only a Use Special Permit, but the Planning Board, through staff, had an opportunity to make site improvements under Site Plan Review. Attorney Marinelli lists the improvements that are going to be made by the owner. Attorney Marinelli discusses Stormwater Management, which are being provided under conditions 25 through 32.

Vice Chair Erin Joyce opens the discussion to the general public. There are no comments or questions from the public.

Assistant Director SantucciRozzi suggests a quick presentation by Glenn Dougherty on Stormwater Management and Rob Woodland on Traffic. Mr. Dougherty highlights a plan showing the footprint of the building. Mr. Dougherty states the current drainage system is made up of old catch basin systems; he highlights on the plan how the drainage system currently connects and discharges. What they have been able to do is resize water quality units. He highlights on the plan how the new water quality units will be directed and pickup run-off. It picks up about 90% of the impervious area. Mr. Dougherty continues his presentation by highlighting the Roof Drain system. There are 5 sub-surface recharge areas totaling about 26 of the Stormtech chambers, which will pick-up the roof drain so that you have clean roof runoff coming off the north side of the building into the recharge systems. They are going to replace the drainage swale with subsurface chambers. The net effect will be a decrease in the volume and discharge rate of storm-water runoff.

Member Mikami states this is all new drainage that is going in. Mr. Dougherty states it is adding water quality units retrofitted into the existing system. Member Mikami asks if the current system is not working and if there has ever been any impact onto the golf course. Mr. Dougherty states current system has been working, but this is an improvement by adding water quality treatment and reducing the amount of runoff by using these infiltration chambers, and he does not believe there has been impact on the golf course.

Member Joyce asks what water quality units are proposed. Mr. Dougherty states they are manufactured by Contech, and he highlights the coverage of each unit. They are replacing an existing catch-basin with a water quality unit. The larger water quality units are the CDS3030 and CDS3035 units with six foot diameter; smaller inlet is standard CDS2015. Member Joyce asks for an overview of site improvements. Assistant Director SantucciRozzi explains they have staggered some of the improvements, and some requirements have been pushed out; they are focusing on building improvements, as the Lottery is on a fast-track to move out of current location. Mr. Dougherty states there is no change in any portion of site in impervious area. It is merely showing re-striping of parking spaces. All spaces will be 8 ½ feet wide. Member Joyce asks about accessible spaces, and Mr. Dougherty states they are adding a few. Member Joyce asks where the Thayer site is located; Mr. Dougherty highlights the location on the plan of the Thayer Sports Fields. Member Joyce asks if there are sidewalks along Braxton that take you to the 1515 Washington Street entrance; Mr. Dougherty clarifies they are on the north side.

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Member Downey asks if, at one point, there was an issue with the light on Washington Street. Assistant Director SantucciRozzi states there was when the Thayer sports rink was going in. It was addressed through their Traffic Engineer and Mass DOT. It may have been acting up again, and Mr. Woodland, the Traffic Engineer, has some information to report on that.

Member Mikami asks what sort of pedestrian traffic we are anticipating. Attorney Marinelli states the Traffic and Safety Engineer can address this. Attorney Marinelli states, for 1501 Washington, a lot of patients will arrive by public transportation; there is a bus stop at the end. They will also be providing a shuttle to the Red Line for public transportation for a couple of hours in the morning and in the afternoon.

Vice Chair Joyce asks for a brief overview from the Traffic Engineer. Rob Woodland, Transportation Engineer, Tetra Tech, has been asked to take a look at the traffic and parking characteristics of the site. They counted existing Lottery facility on April 10; although it was influx, there were approximately 135 employees still at that facility. They have a good understanding of what is happening at existing facility, and they looked at the portion of the business that would be moving to the 1515 Washington Street site. Mr. Woodland explains that they develop trip generation rates looking at both ITE and Empirical Database on the existing facility. Empirical data is suggesting slightly lower trips than their study. Keeping in mind that a lot of these uses are warehouse space, they are starting the day before the typical peak hour and ending day before the typical peak hour. Mr. Woodland reviews his Transportation Report. He discusses the fact that the signal was not operating correctly; they reached out to Mass DOT and they were sent plans of the updated signal; it now looks like the video detection is working very well. Mr. Woodland watched and recorded several cycles, and it appeared to be functioning perfectly. They presented a very conservative estimate of trip generation. There are two ways to look at trip generation in ITE; you can use the average rate or you can use a formula. Using average rate resulted in slightly less; using the formula resulted in slightly more. They are confident these numbers are within plus/minus 10% of what you would see in the field. They would have no impact on existing traffic activity. Mr. Woodland highlights summary chart of parking, which is shown in the proposal and the draft conditions. They are proposing 283 spaces, where 281 are required. They expect a peak parking demand of 157 spaces for all the uses, with an 85th percentile peak parking demand of 221 spaces. They do not anticipate any parking problems, as the project is currently proposed. They will go out to monitor counts to verify projections, and work with Mass DOT if required to optimize signal timings.

Member Joyce asks for general overview from staff. Assistant Director SantucciRozzi states application was filed in middle of April, and the Applicant intended to want to permit the entire site; it was decided to just focus on Lottery piece now, and their impact to the site. This site was quite vibrant, with full tenancy and a lot of activity, some time ago. The activity has really dwindled down, with multiple vacancies. Assistant Director SantucciRozzi explains they are starting to re-tenant the building, and we want to make sure that we move cars through that corridor efficiently, and if there is any delayed area, it should be on Braxton Street. Staff did review the rink proposal in this process. The main focus is to maintain the level of service. TDM management techniques were discussed. Assistant Director SantucciRozzi states the landscaping piece has been addressed in Condition 48. Assistant Director SantucciRozzi states we want it to look like the site has activity. There are very similar trip generation characteristics as the Thayer Rink. There may be some joint efforts with both locations if the monitoring coincides. Assistant Director SantucciRozzi has to commend the team on drainage materials. She states it is like a 1980 system being made current. They are bringing the existing site, which had good bones, into current standards. Assistant Director SantucciRozzi explains this is just for the Lottery at approximately 65,000 square feet. There are similar Conditions as used by Director Stickney for Good Sports.

Vice Chair opens to members of Planning Board to ask additional questions.

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Member Baker asks about the easement for parking. Can the easement be included in the parking calculation? Attorney Marinelli states that there is a non-exclusive easement for parking in the record.

Member Baker refers to an architectural plan for future expansion for a second floor. Attorney Marinelli states, for any space not occupied, they will have to make sure they meet requirements of Building Department and Planning Board and Staff. Member Baker wanted to make sure that any future demands for parking by additional tenants would be met. Assistant Director SantucciRozzi states there are 50 extra spaces in reserve on the rink property. We have the ability to require them to construct those spaces. Member Baker refers to the landscape plan and suggests having outdoor areas and a beautified space for office staff. Attorney Marinelli states that is a good suggestion. Attorney Marinelli discusses that FoxRock was putting out to bid for a Landscape Architect.

Member Downey and Member Erinna have no questions.

Member Mikami asks if there will be signage up to limit extra parking that may be required by Thayer events. Attorney Marinelli states FoxRock has been a very cooperative land owner; non-exclusive easement is a property right that runs to this property. Member Mikami asks if Thayer can park on this property. Attorney Marinelli clarifies that it is Thayer's property. Attorney Marinelli states there is some signage that prevents parking. Member Mikami is discussing "what-if" situations around parking. Assistant Director SantucciRozzi would hope there would be mutual cooperation around events that might occur at the rinks. Attorney Marinelli states they have 283 spaces. ITE requires 157 spaces. Member Mikami states 85th percentile under ITE is theoretical. Attorney Marinelli thinks the bylaw is a theoretical number. Member Baker's concern was that there would be a need for parking relief for a future use. Attorney Marinelli refers to 1501 Washington, which has 80 surplus spaces. Member Mikami states traffic is a big issue in Braintree, and we have to be very sensitive and think about traffic holistically. Member Mikami asks to what extent we have enough protection to evaluate the entirety. Member Mikami confirms that there are two lanes on Braxton, and he asks how we ensure that we have everyone working together. Member Mikami reiterates that we need to ensure we are moving traffic and that we are thinking about public safety. Attorney Marinelli feels that it is contained under Conditions 42 through 45. Assistant Director SantucciRozzi explains that conditions require counting at both Washington/Braxton and further back past Thayer Rink entrance. They will be able to determine which buildings the drivers are associated with. Assistant Director SantucciRozzi states truck deliveries will not be allowed in the network during the peak hours. Assistant Director SantucciRozzi feels as though we have a good level of service analysis in the Thayer report; we also had a "no build" and "build" analysis, which included future projections. Assistant Director SantucciRozzi feels as though we have enough data to look at once we get their counts, and she states both FoxRock and Thayer have the same conditions that have built-in protections for the worse-case scenario on both ends. Member Mikami asks how often we are going to do traffic counts. Assistant Director SantucciRozzi states counts are done Tuesday and Thursday, from 5:00 AM to 9:00 PM. Member Mikami confirms that if we need more data, we can do more counts. Attorney Marinelli points out that is Condition 42. Member Mikami states more data is better, and we need everybody to work together. Member Mikami highly encourages the Applicant to make the landscaping look great. Attorney Marinelli refers to Conditions 48 to 52, which are related to landscaping.

Vice Chair Joyce asks if there is going to be new signage for this. Attorney Marinelli states they have a concept in the making with Sign Design, which they will be presenting separately. It will be tastefully done. It is in progress, and will be permitted in the required way. Vice Chair Joyce asks if we know how old the light at Braxton is. Mr. Woodson states they just updated the equipment to add the flashing yellow; he has requested the full set of plans. The original signal permit was around 1985. Vice Chair Joyce asks if there was a point in time when this area was busy. Director Stickney states yes. Mr. Woodson states the video detection unit on the traffic light was not working properly when the rink was getting permitted in February 2018, but the repair has been affected. Vice Chair Joyce asks about timing of light on Braxton. Mr. Woodson states there is a minimum initial time (about 8 seconds) with

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one car triggering it; then the video detection will have a zone, and if there is something in it, it will extend it at 2 second intervals.

Vice Chair Joyce asks if there is a fixed time between when Braxton can go again. Mr. Woodson states it is running on a natural cycle until about 90 seconds; so at most it is about 90 seconds. Vice Chair Joyce discusses Peach Street and the difficulties of entering onto Washington Street. Vice Chair Joyce discusses the possibility of this project making the Peach Street intersection worse. She is concerned because Peach Street isn't signalized and there is the railroad bridge that makes it dangerous; although it might not be pertinent to this discussion, if we are looking at traffic with a holistic approach, she suggests using our relationship with TetraTech and their experience on this situation.

Member Joyce states, speaking to ongoing traffic monitoring by the Applicant, Condition 42 notes that traffic counting program would happen at 12 months and potentially also at 24 months. Could we note that traffic counting should not coincide with school holiday or summer vacation? Member Joyce confirms that the Applicant has had a chance to review the draft conditions. Attorney Marinelli confirms this. Assistant Director SantucciRozzi highlights conditions that need revisions due to typographical errors or clarifications. Assistant Director SantucciRozzi asks about the TDM and whether that is something we can include in the Traffic Report. Attorney Marinelli states the TDM does not apply here to the warehouse use as much as it does to medical use.

Member Downey **MOTION** to close the Public Hearing; seconded by Member Baker; voted 5:0:0.

Member Downey **MOTION** to accept the correspondence from April 22, 2019 to May 13, 2019 (8 items) into record; seconded by Member Baker; voted 5:0:0.

Member Downey **MOTION** to approve the Major Modification of Special Permit/Site Plan Review for Planning Board File #18-15 subject to conditions discussed as revised at this meeting; seconded by Member Baker; voted 5:0:0.

Chair Harnais returns to the meeting.

PUBLIC HEARING

20 Trefton Drive – File #19-05

Special Permit/Site Plan Review (Two-Family Conversion)

Chun Patterson, Applicant

8:42 PM – Five Planning Board Members participated.

Present for the Applicant:

Chun Patterson, Applicant

Christine Patterson, on behalf of her mother (the Applicant)

Chair Harnais opens the Public Hearing and reads the Public Notice into record.

Christine Patterson reads her mother's application cover letter from the application dated April 8, 2019. She states that for many years, 20 Trefton was listed on the general property data of Braintree in their appraisal record as a two-unit. Also, the house is only about 200 feet from Quincy Avenue where there are two-unit family homes and businesses. She hopes the request to convert the house to a two-family is a reasonable request. She is open to the Planning Board's professional advice related to improving the property and

environment in order to benefit the neighborhood. She would like to legally convert the structure into a two-family, and she would also like to see the two units benefit the town to bring in more tax revenue.

Staff Planner, Connor Murphy, has outlined the changes that are occurring for this project within the Staff Report. Mr. Murphy walked through the property (outer portion as well as inside the building) with the Applicant. Internally, the supposed single-family dwelling is set-up like a two-family. There are site improvements that need to be addressed by the Applicant, which are highlighted in the Staff Report. Mr. Murphy states the pool in the backyard, which is in disrepair, has to be addressed by the Applicant. Mr. Murphy explains that if Applicant wants to remove the pool later, she will need to come back before the Planning Board for a Minor Modification. Mr. Murphy states, while it is not listed in the Staff Report, we are requesting the Applicant to shift the driveway to the other side of the property (the right-hand side). The current parking area is insufficient. If the driveway is moved, they could fit four cars stacked; this has been measured out and provides for 32 feet of space to work with. The second form of egress for the second unit, which is on the second floor, is in the back. This allows the resident to park close to the back and go up to the second floor. The bedrooms are on that side of the house, and it makes sense for connectivity. This portion of the site is at a higher elevation and would be better for drainage.

Chair Harnais opens the discussion to the public for questions or comments.

Scot Sullivan, 35 Trefton Drive, mentions that he had his house converted into a two-family in 1988, and he asks about the requirement to have six off-the-road parking spaces. He is not sure where the applicant is going to fit six parking spaces. Staff clarifies that four parking spaces are required under the current by-law. Staff states the Applicant could accommodate six parking spaces on the right, if the Planning Board thinks they need more spaces. Chair Harnais states nobody should be parking on the street.

Susan Byrnes, 6 Trefton Drive, her concerns were forms of egress and parking. She mentions that Trefton Drive is very narrow. She is diagonally across from PanAsia Restaurant. She is also concerned with the number of occupants. Assistant Director SantucciRozzi clarifies that we cannot condition a limitation to occupants, and Mr. Murphy mentions that the Applicant is proposing egress for both units in the front and separate egress for each unit in the back.

Member Baker states it is difficult when there are a lot of single-families around the area; there is only one other two-family on Trefton Drive. However, when he researched further, he found about 13 two-families in the area (on Bickford, Argyle, Arborway and Beechwood). Member Baker acknowledged that they have proper egress; he feels there should be more parking on the property. On the site plan, it would be nice if there could be landscaping or patio for each unit around the egress areas.

Member Downey clarifies who is Robert Patterson. Chun Patterson clarified that Robert Patterson is her son, but he does not live at this location. He is a co-owner of the property with Mrs. Patterson. After it is converted to two-family, Mrs. Patterson will remain there. Member Downey asks about the plan for the pool. Mrs. Patterson would like to keep the pool for one year to see how she likes it. She will have a company maintain the pool.

Member Mikami asks who the Applicant anticipates living in the second unit. Mrs. Patterson plans to rent the second floor to a small family. Member Mikami confirms that there was a second kitchen located on the second floor. Staff Planner states currently they do not have a special permit for a two-family, and it is difficult to trace back permitting through the Building Department jacket. Member Mikami states that it looks like previously it was a two-family. Assistant Director SantucciRozzi states Mrs. Patterson is going about this the right way.

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Member Mikami asks about how this address is taxed. Member Baker clarified that it is taxed as a single-family. Member Mikami likes the idea of additional parking spaces. Mr. Murphy states he can work with the Applicant on the parking space issue.

Member Mikami asks about the timeframe. Assistant Director SantucciRozzi states, under law, she has two years to exercise the permit, but then she can take as long as she wants to finish it. Member Mikami states this unit looks like it probably was a two-family. Member Mikami asks about emergency exit. Staff states they are fully compliant. Member Mikami asks about a basement. Director Stickney clarifies that you want to make sure that approval is only for a two-family and there would be no additional units in the basement. This needs to be addressed in the conditions. Assistant Director SantucciRozzi states they will do another site visit to look at basement.

Member Joyce states the basement looks pretty significant, and she feels we should ask for a floor plan. She also refers to the basement level garage. We should also have existing vegetation around the house shown on the plans. Member Mikami explains that we need to have very specific plans, which outline everything, because that is a legal document. Plans need to be updated, and whatever is submitted and stamped needs to be absolutely correct. Assistant Director SantucciRozzi wants to look at where other resident's driveways are in the area. Member Joyce confirms that we are getting additional information. There is also discussion about parking on both sides of the home vs. parking on one side. Assistant Director SantucciRozzi explains that these are things they want to look further at. Member Baker states it would be good to have a basement plan to see where the overlays are. Chair Harnais concludes that there is more work to be done on this.

Member Downey **MOTION** to continue this Hearing to the next Planning Board Meeting on Tuesday, June 11, 2019, at 7:15 PM; seconded by Member Joyce; voted 5:0:0.

CONTINUED PUBLIC HEARING

16-18 Pearl Street – File #05-06
Major Modification of Special Permit and Site Plan Review
McDonald's USA LLC, Applicant
9:09 PM – Five Planning Board Members participated.

Director Stickney explains that the Applicant has asked for this hearing to be continued, without testimony to the next hearing date, Tuesday, June 11, 2019.

Member Downey **MOTION** to continue this Hearing to the next Planning Board Meeting on Tuesday, June 11, 2019, at 7:15 PM; seconded by Member Mikami; voted 5:0:0.

CONTINUED PUBLIC HEARING

236-240 Wood Road – File #17-12
Special Permit and Site Plan Review
Logan Communications, Applicant
9:09 PM – Five Planning Board Members participated.

Director Stickney explains that the Applicant has asked for this hearing to be continued, without testimony to the next hearing date, Tuesday, June 11, 2019.

Member Downey **MOTION** to continue this Hearing to the next Planning Board Meeting on Tuesday, June 11, 2019, at 7:15 PM; seconded by Member Mikami; voted 5:0:0.

NEW BUSINESS/OLD BUSINESS

Minor Modification and Request for Certificate of Occupancy: 7, 7R, and 11 Independence Avenue File #14-06 – (Special Permit/Site Plan Review) Requested By: Thomas Fitzgerald

9:10 PM – Four Planning Board Members participated. Chairman Harnais and Vice Chair Erin Joyce have recused themselves; Alternate Member Hector Erinna will participate in this vote.

Present for the Applicant:

George Clements on behalf of the Applicant

Joe McEchlin, Real Estate Broker

Assistant Director Melissa SantucciRozzi explains that she put together an updated Staff Report; staff met with Mr. Clements yesterday at the site. Assistant Director Melissa SantucciRozzi highlights the progress of each of the items highlighted in “red” on her Staff Report. The Updated Staff Report (Revised May 14, 2019) is incorporated herein. Assistant Director Melissa SantucciRozzi acknowledges that Mr. Clements has put in a plan for the road and provided a bond table, and she states that Mr. Clements has made significant progress over the past month. However, everything needs to be compliant for a Certificate of Occupancy to be issued. In addition, the Assistant Director has provided the Draft Minor Modification as part of her Updated Staff Report. It notes where updated plans are needed. Staff’s goal is to have one Minor Modification with all items referenced once all of the plans are submitted and satisfactory. The plan dates will then be filled in at that point, and, if the Planning Board is inclined, the Modification will be filed.

Member Mikami asks if the Minor Modification is too piece-meal. Assistant Director Melissa SantucciRozzi states no—it’s fine, all of the information is there and has been updated with the progress that has been made.

Mr. Clements would like to consider reducing the bond amount down to 100%, as he feels they have made good efforts.

Member Erinna confirms that Mr. Clements has made progress and shown competence, unlike in the past. Mr. Erinna asks what is being requested for bond amount. Mr. Clements states they would like it to be reduced to 100%.

Member Baker asks what the hold-up is with the plan; Mr. Clements states weather has been a factor.

Member Downey asks about the process for getting a bond. Assistant Director SantucciRozzi clarifies what needs to be done and included in order to get Temporary Certificates of Occupancy. Member Downey confirms that the applicant has not been showing units. Mr. Clements confirms. Member Baker asks about a time-line. Mr. Clements states that the interior of the building is in great shape. He also states they have 24 of 35 units that are okay with Building Inspector.

Brian Black, 26 Holmes Street, states neighbors were not in favor of the project three years ago. Mr. Black has been living through this whole debacle for over three years, and he is trying to understand what was promised and the logistics between Mr. Fitzgerald and Mr. Clements. He also wants to know what happened with the design of the building. He does not like the exterior color of the building, and he feels that the landscaping is inadequate. Mr. Black is urging the Planning Board not to move forward until progress is more in line with what

the Town is asking. He recognizes that some improvement has been made, but he and several neighbors are distraught about lack of progress and are not satisfied with how this has gone.

Member Mikami acknowledges that this is a very controversial project. Planning Board has put significant conditions on this. Mr. Fitzgerald has failed in many areas; Braintree Planning Staff has put together an extensive list of deficiencies. Mr. Clements was hired, as a consultant, to rectify many of these issues. Member Mikami states we don't want the building to sit there; we want it to look good. Member Mikami clarifies that they have not been allowed to show the units and mistakenly advertised in the Patriot Ledger. Member Mikami clarifies that we are trying to finish the project in a good and safe way. Mr. Clements states that Mr. Black can discuss anything with him. Assistant Director Melissa SantucciRozzi explains that the front of the property is not landscaped, and it needs some significant attention. Member Mikami suggests that the neighbors should express anything specific to the staff. Mr. Clements states they increased the landscaping from the original plan, and he suggests that Mr. Black come over to the site to discuss anything.

Assistant Director Melissa SantucciRozzi asks the Planning Board if the neighbors make suggestions to Mr. Clements, can Mr. Clements make changes to landscaping. Mr. Black wants some sort of screening effect. Member Mikami states that sounds reasonable. Director Stickney suggests that staff, Mr. Clements and neighbors meet.

Member Mikami asks for clarification on what needs approval. The Assistant Director clarifies that we need a motion to approve the Minor Modification referenced under Item #2, the garage plan, related to Conditions 53 and 58. Item #9 and #13 on the report are related to the back. The Assistant Director asks if the Planning Board is okay with her determining that the plan she gets from the Professional Engineer is fine, or does the Planning Board want Mr. Clements to come back before the Board.

Member Erinna asks if staff is comfortable with getting alternate plan after the motion. Assistant Director is comfortable with that.

Member Downey **MOTION** to approve the Minor Modification referenced under Item #2 related to the garage plan and addressed in Conditions 53 and 58; seconded by Member Erinna; voted 4:0:0.

Member Downey **MOTION** to approve the Minor Modification referenced under Item #9 and #13, subject to receiving an updated plan; seconded by Member Erinna; 4:0:0.

Assistant Director SantucciRozzi suggests holding back the Temporary Certificates of Occupancy for the affordable units; and only bond the physical construction items plus each unit that they want a Temporary Certificate of Occupancy on, which could be up to 33 units at \$1,000 per unit.

Member Mikami is in favor of 120%, particularly given the fact that Mr. Fitzgerald may or may not make a payment tomorrow on back taxes; a higher amount gives the applicant more incentive to get items done and done correctly. Mr. Clements states the 20% makes a difference, and it is a detriment. Assistant Director Melissa SantucciRozzi confirms that if taxes are not paid, the Minor Modification will be held.

Member Erinna suggests 110% for the bond, which would provide the applicant with some working capital. Moving forward is the best case for all parties involved; however, he acknowledges Member Mikami's point. Member Baker wanted to recommend the same thing; however, he acknowledges the back-story of history of items not getting done. He feels Mr. Clements is getting things accomplished, and we are working together.

Member Mikami asks what the process is for the Temporary Certificates of Occupancy.

Assistant Director SantucciRozzi discusses how quickly the bond could be finalized. She would need to receive the plans for Items #9 and #13, the Minor Modification would have to be filed, and Mr. Clements would need to meet all of the other conditions, except for the ones related to the affordable units. It is probably still another week. Her next concentration, once all the plans are in and the Minor Modification has been filed, would be to look at Affordable Applications.

Member Mikami discusses the Cease and Desist from Building Department because units were shown and people's safety was put at risk; Member Mikami feels that was intolerable. Imagine the ramifications if something happened; that is beyond acceptable.

Member Erinna **MOTION** to reduce the bond percentage to 110% and to eliminate the affordable units from the calculation; seconded by Member Downey; voted 4:0:0.

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

The meeting adjourned at 10:05 PM.

Respectfully submitted,
Louise Quinlan,
Planning/Community Development