



Department of Planning and Community Development

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Joseph C. Sullivan
Mayor

PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Clerk
Darryl Mikami, Member
Michelle B. McDonald, Member

Braintree Planning Board
September 11, 2012
Town Hall – Johnson Chambers

APPROVED

Present:

Mr. Robert Harnais, Chair
Mr. Joseph Reynolds, Vice Chair
Mr. James Eng, Clerk
Mr. Darryl Mikami, Member
Ms. Melissa McDonald, Member

Christine Stickney, Director
Melissa Santucci Rozzi, Principal Planner

The Chair called the meeting to order at 7:06 P.M. and called the roll: Member McDonald; Member Mikami; Member Eng; and Member Harnais. The Chair opened the meeting with a moment of silence.

Note: Mr. Reynolds was not present when the meeting was called to order.

Zoning Board of Appeals – September

12-04

20 Pond Street – MSMM, LLC; Special Permit, Nursing Home Conversion

Attorney Carl Johnson, III, representing the Applicant
Ron Marshall, General Counsel for MSMM, LLC
Kim Eric Hazarvartian, Transportation Engineer, TEPP LLC
Dmitri Kapalis, Architect, Habeeb & Associates Architects, Inc.
Rob St. John, Director of Land Planning, Messina Enterprises

Chair reads the Public Notice.

Attorney Carl Johnson, attorney for the Applicant addresses the Board. and distributes a new plan. He commented that at a Public Hearing in August of 1993, a Finding of Relief was granted by the Zoning Board of Appeals to construct the former 37 rooms of the Franville Nursing Home. In September of 1993 the Planning Board issued a Special Permit and Site Plan Review to Quality Care Centers of Massachusetts, DBA Franville Nursing Home; for a 37 room expansion facility to an existing non-conforming building – also granting relief for parking and certain alterations.

This application before the Board proposes the conversion of the existing Franville Nursing Home into 27 residential units under 135-614 of the Zoning Bylaw. It involves the demolition of a portion of the existing building as shown on the Plan consisting of 6,725 s.f. on the footprint. Also proposed on the Plan is a 70 % reduction in domestic water use; a reduction of surface water runoff through an infiltration system and stormwater treatment; reduction in traffic; and a minor reduction of the impervious surface coverage in the watershed protection district.

As shown on the Plan, the bulk of the green space is to the rear of the parcel dropping off significantly to the Monatiquot River. The existing discharge of storm water is not treated currently; the proposed plan will collect water from the roof drains and impervious parking surfaces and treat it with a stormceptor system with an overflow discharged back to the Monatiquot River.

On the proposed plan, the front of the building along Pond Street removes the current front entrance and walkway and replaced by green-scaping. Setbacks remain the same. There will be several hundred feet to the Monatiquot River after demolishing the rear building.

Ms. McDonald asked if Applicant has met with the neighbors since the last meeting. Mr. Johnson explains that they have met with the immediate neighbors previously. They plan to send letters out the week of 9/24/12 and to hold a meeting in conjunction with the District Counselor.

Mr. Mikami comments that this is not final plans thus far and has concerns about the improved appearance over the existing building. He would like to see something more inspiring than the last plan submission. What are the improvements going to be?

Mr. Johnson notes that the building existing exterior will remain as such, but new windows, a gutted interior, walkways and relocation of the main entrance are planned.

Mr. Mikami stresses the importance of the owner taking the opportunity to make the appearance better. He was not inspired by the plans that were previously submitted.

Mr. Eng addresses Mr. Johnson – he questions the planned entrance location.

Mr. Johnson explains the proposed regrading of the existing lot in the rear because they are not able to utilize the front.

Mr. Eng asks why the rear building is being demolished when the front building is noisier.

Mr. Johnson points out that the rear wooden building is of less quality construction.

Mr. Eng comments that the apartments proposed are on one of the busiest streets in town.

Mr. Johnson highlights the park and minor water view.

Mr. Eng readdressed neighbor concerns – Mr. Johnson states that abutter concerns have been satisfied.

Mr. Eng questions whether there are architectural plans available? Mr. Johnson states they will be available before the October Planning Board Meeting.

Mr. Reynolds, now present at the meeting, limits his question to the zoning variance request. He believes it is an improvement overall but shares the concerns of the other Board Members about appearance of the building. On the Zoning Board Application, he has no questions.

Mr. Reynolds Motions for a positive recommendation of the finding; seconded by Ms. McDonald.

Vote: 5:0:0

Chair asks about June, July and August Minutes.

Ms. Santucci Rozzi states that the July Minutes have been accepted and June and August will be available for the next meeting. Further, the Request for As-Built Approval – Elmlawn Road Ext. Definitive Subdivision [10-03], Al Endruinas of Elmlawn, LLC; will also be tabled till the next meeting so all the old business is taken care of.

12-06

385 Quincy Avenue, CITGO, Application for Site Plan Review

David J. Crispin, PE, PLS, BSC Group, Inc., representative for
CITGO Petroleum Corporation, 385 Quincy Avenue, Braintree, MA
Allen J. Morris, Terminal Mgr., CITGO Petroleum Corporation, 385 Quincy Ave., Braintree, MA
Mike Leon, Counsel for CITGO Petroleum Corporation, Nutter, McClennen and Fish, LLP, Boston, MA

Chair reads the Public Notice:

David Crispin addresses the Board and explains he has prepared a presentation to walk through the application and a quick summary. The proposed biodiesel fuel storage tank (6,420barrel / 269,640 gallons). EPA requires diesel fuel and home heating oil have a biodiesel component. To comply, for the past several years, Citgo has been delivering extra biodiesel to the site at 385 Quincy Avenue, in trucks and mixed into a bigger tank and then dispense it. In response to EPA compliance, Citgo recently amended their storage license with the License Commission for change in product (biodiesel).

Citgo is seeking site plan approval under [Town of] Braintree Zoning ByLaws, Chapter 135, Section 711-B-3. This Terminal has been in service prior to 1920 under the name Massachusetts Oil Refinery Company, Citgo purchased it in 1983 from the then Cities Services Corp. Several tanks have been replaced in the past under the same process.

Comprised of 61.2 Acres, it zoned Highway-Business, it was formerly industrial. It houses 22 above ground structures on primarily bedrock. Most of the site is covered with crushed stone. Secondary containment units (of earth and dams) are in compliance with Fire Protection and Storage regulations (NFPA 30 and 527 CMR 9.03(c)). Citgo has stormwater management plans in place; it pumps from site to a fully contained oil water separator.

Currently, biodiesel is trucked in and pumped directly into one of the larger tanks and mixed to an approximate 5% ratio before the tank is emptied.

The goal is to store an adequate volume of Biodiesel in one tank to allow mixing at the dispenser straight to the truck leaving the site.

The proposed project area located directly behind the truck rack, is not in a flood plain, watershed protected district or water supply area. Wetlands resources are away from the area of interest.

Three years ago, three tanks were removed allowing the creation of the proposed tank, this accounts for no net increase in storage for the whole facility.

Mr. Crispin refers to a 1987 infrared photo, taken outside the building inspector's office, showing the tank that was removed shortly after 1990. That tank measured 38' in diameter; 33' high; on a 1,134 S.F. footprint; with a capacity of 6,420 barrels. The steel tank is double bottomed, in compliance with NFPA tank regulations and 310 CMR 9. It doesn't require any earth works; it will be accomplished by leveling the concrete foundation on the existing grade.

Compared with the existing tanks, the proposed tank is much smaller. There should be no impact on local streets, no extra staff or trucks are needed. There is no additional generation of sewer or waste water so no impact to infrastructure.

Since the proposed tank is going to be located in the same space as the tank that existed a few years ago, there is not a large amount of open landscape to be effected.

Mr. Crispin demonstrates in several photos that the proposed tank will not be seen from any abutting properties. Further, since there are no physical changes to the building and no additional waste, there are no changes in vehicular safety; parking and handicap compliance will not be affected.

Mr. Harnais calls for any public questions, no persons spoke.

Mr. Harnais opened up questions to the Board.

Ms. McDonald asked when the 3 tanks that were discussed, were removed. Mr. Crispin checks with Allen Morris who confirms it was 2008. The one larger tank proposed is the equivalent of the three smaller tanks? Mr. Crispin says it is smaller.

Ms. McDonald ask if the Biodiesel is the same type of fuel as the three previous tanks?

Mr. Crispin answers that the fuel in those tanks are moved around from time to time, for different purposes Gasoline, heating oil and diesel.

Ms. McDonald believes that the material the Board received from Planning may have been incomplete. Mr. Crispin explains that he received a letter from Staff and is prepared to address it.

Michael Leon, Attorney for Citgo, who has represented Citgo for the past 24 years, addresses the Board. He explains that this particular biodiesel has been brought into the terminal for the past several years and stored it in a different manner by blending it in the tank. Late last year, the Terminal began the process of amending their storage license via the Licensing Commission, in anticipation. As of 2008, the facility shifted to also store ethanol based fuels (corn based) and other biodiesels (animal or vegetable fats).

They have had a discussion with the Fire Department over ethanol, regarding the response to emergencies concerning ethanol and biodiesels. Biodiesels are far less reactive than ethanol, they are not as flammable and not as dangerous. Mr. Leon mentions a comment from the Planning Department, stating that the biodiesel is refined to be pure and like the oil you would find in your kitchen. It is not subject to new regulations per se, unlike ethanol. Citgo and the Fire Department are in agreement and have been working together for about three months with respect to the products and materials on the site to form an emergency response plan which they are in agreement with. This Biodiesel does not fall into that category.

Ms. McDonald asks one final question - why was that location chosen over the location where the three tanks were previously located? Mr. Leon explains that the dedicated tank will be used to blended at or near the rack - with conventional diesel fuels, requiring a heat element, it will be out of the flood plain out of resources areas which the Town prefers they stay away from. This is a more environmentally appropriate location. Ms. McDonald clarifies that warm is simply above 32 degrees or above.

Mr. Mikami asks if Petivaca is associated with Citgo. Mr. Morris explains that Citgo Petroleum has its own structure and they are 100% owned by Petivaca. Mr. Mikami asks who does Mr. Morris (the Terminal Manager) reports to - where are the Corporate Offices for Citgo Petroleum? Mr. Crispin answers they are in Houston, Texas.

Mr. Mikami asks further why there will be no new traffic?

Mr. Crispin refers to a traffic memo that was e-mailed to Christine Stickney, Director of Planning & Community Development. There is no additional traffic because the only change is where the biodiesel will be mixed; that is, into the trucks - so the through-put doesn't change.

Mr. Mikami asked where the fluids that are being delivered today go? Mr. Crispin answers that they are pumped to one of the larger tanks until they have pumped 5% of biodiesel. They come from a rail station somewhere in Massachusetts.

Mr. Mikami asks about the frequency of the trucks that comes in. Mr. Crispin said that it takes about 8 trucks to add 5% of biodiesel to a tank. What the tank will do, is allow one or two trucks per day, then nothing for a while then you may get a biodiesel delivery.

Mr. Mikami clarifies that there won't be a change in truck volume. Mr. Morris explains that the new tank would enable the terminal to hit the targeted 5% blended fuel whereas the current system is difficult to hit the 5% during the winter when heating oil demand is high.

Mr. Mikami asks Mr. Morris if there is any notice or communication needed to be given to the town or is it federally controlled.

Mr. Morris responds that they don't currently store biodiesel on the property. The trucks come in and pump the biodiesel directly to the diesel or heating oil tank. They maintain the 5% mix rather than store. The new tank will change that process.

Mr. Mikami asked who controls what is stored or not stored and how is it communicated – anyone in town. Mr. Morris responds that a Quarterly Chemical Report is submitted to the Fire Department and secondly, they file an Annual Hazardous Material Report to the Board of Health which documents all products in their inventory.

Mr. Mikami questions if an odor is detected? Mr. Morris says it not perceptible. Mr. Mikami clarifies that it is delivered in a closed truck, pumped into a closed tank and back to a closed facility. Mr. Morris says it smells like cooking order but not appreciable.

Mr. Mikami questions if the tank construction differs from the petroleum tanks? Mr. Morris offers that all tank construction is guided by state mandated NFPA 30 and 527 CMR. Additionally, construction and maintenance is inspected in accordance with API 650 mandated by the American Petroleum Industry. This new tank will be suitable for petroleum, heating oil, diesel or biodiesel.

Mr. Mikami: If the biodiesel effort increases, do you need to apply for another permit for another store tank?

Mr. Morris: yes, but couldn't speculate if an increase in blending is likely.

Mr. Eng asks why this tank is being proposed considering the loss of 3 tanks, is there a need?

Mr. Morris confirms that the purpose is to blend the biodiesel in accordance with RFS2 Standard as required of importers and refiners to blend a certain amount of renewal blend stocks into petroleum products for sale. There are a number of options to achieve this, one of which is purchasing "RINs", Renewal Identification Numbers. A problem they encountered last year was a significant number of RINs purchased were fraudulent resulting in a financial loss. It is Citgo's desire to blend as much as possible. Braintree is probably the largest terminal in Citgo for distillate fuels, #2 diesel for on-road purposes and heating oil. There is potential here to do a lot of biodiesel blending here at our facility here in Braintree. They have been doing it for two years. They don't want to go through the expense of building a new tank. They could use an existing tank but they would have to insulate it which is costly. Even if they could buy biodiesel by bulk – the only source available is via railcar or these trucks which means small volumes at a time blending per customer demand.

Citgo studied the subject for four years ago when mandated by the state to use biofuels. The Dept. of Energy Resources studied and found there isn't a good way to regulate it. They encouraged voluntary use of biofuels. Mr. Morris said Citgo has been fairly successful. He notes that biodiesel is not necessarily a flammable liquid – it has a flash point of 260 degrees. No more hazardous than kitchen cooking oil.

Mr. Eng said he is relieved that it isn't hazardous material.

Mr. Morris says that the state classifies this as a combustible. Comparatively speaking, however, biodiesel is very benign. A few years ago our company didn't have the money for a project like this.

Mr. Eng expresses the purpose of his questions is a safe environment. Mr. Eng is satisfied with the answers.

Mr. Reynolds asks for clarification that the terminal is not currently storing biodiesel on site. Mr. Morris explains that currently there is no storage tank for biodiesel.

Mr. Reynolds recognizes that there is a zero net change in actual storage capacity. He understands why the terminal wants to build this tank. He asks that in the future, if government mandates a higher percentage mix, will this meet your business model or will you need to alter your storage capacity as it is today?

Mr. Morris ... "potentially". This helps put us closer to the 5% - especially in the winter time.

Mr. Reynolds: This will put you in a much better position to respond to potential changes and to meet your demands. Mr. Morris ... Yes sir.

Mr. Reynolds requests further review of the construction plan, any changes, design or storage overflow capacity.

Christine Stickney points out to Mr. Reynolds that there has been a plan provided in the Planning Board review material. Clarifying there is a 10 x17 plan, Mr. Reynolds said he was looking for something more. He states he will consult with Staff about that.

Mr. Morris states that on July 27th they met with Ms. Stickney from the Planning Dept, Mr. Nelligan and Steven Sawtelle of the Fire Department and the Building Department, providing applications and required materials – so there is material available.

Mr. Morris expresses his confidence that the necessary questions that have been addressed regarding what contingency plans are in place for emergency situations.

Michael Leon addresses the Board commenting that they noticed prior to the meeting and presentation that there was some questions from Staff concerning whether site plans involve detailed piping plans. Detail piping plans are first submitted to the Fire Department and then State Fire Marshalls office because they are from a life safety and technical engineering standpoint. Our view and Mr. Crispin's view, for the purpose of site plan approval, it is not relevant to show the detailed pipe routing plans and not relevant to any of the criteria contained in the code. We felt what was most important to demonstrate to the town where the location of the tank, the mass, the sizes, the grading, the storm water, management and containment issues.

Mr. Reynolds thanks Mr. Leon for his comments and clarification.

Mr. Harnais does not have any comments or questions at this time.

Ms. Stickney has a couple of questions:

With the installation of the new tank, will you only add biodiesel to this new tank and not the others? Mr. Morris – Yes, all biodiesel will be offloaded into this new tank and not doing what we are doing now.

Secondly, the biodiesel being organic has the potential to become contaminated, if a tank becomes contaminated, how do you handle it? Are you required by statute to have a plan in place in the event the tank has to be cleaned, how it will be done.

Mr. Leon: Clarifies, a specific procedure for one truckload of a bad biodiesel product, obviously, it has to meet stringent specifications. But if there was a completely bad load, what would be required; would you re-blend it or empty that tank. Certainly, there are procedures available that would require pumping via a dedicated piping system directly into a tanker truck or figure a way to get it into the rack

Ms Stickney clarified to the Citgo representatives that Staff was not interested in the details and diameter of the piping but rather the direction in which they were going. As far as the tank draining and cleaning, how would that be done?

Mr. Morris: Periodic tank cleaning?

Mr. Stickney explains that her understanding is that biodiesel is subject to a lot of contamination and at times the tank should be cleaned out – because it shouldn't sit for a long period of time.

Mr. Morris responds that if it sits stagnant for a long period of time, through condensation of moisture intrusion there could be some bacterial growth. This is true of all the distillate fuels. It's not something we see regularly.

Ms. Stickney: But this is your only biodiesel tank on the site right now.

Mr. Morris: yes, it will be.

Ms. Stickney: It's something new for the site and I am wondering how that will be handled if it were a problem.

Mr. Morris: If the tank was contaminated, we would have to remove the contamination and retest the tank and the contamination would have to be disposed at a permitted facility.

Ms. Stickney: Can we have a response to that at the next hearing?

Mr. Leon addresses: All of the tanks are periodically cleaned, inspected and repaired which required cleaning the material from the tank bottoms and handling the disposal. It's a fairly regulated activity by the Massachusetts DEP. In this instance, because there is only a single tank that currently has the capability of storing biodiesel. A number of complicated efforts, you could either stop the storage depending on how full it is; or transfer that material to a temporary storage tank while that tank is serviced. The terminal has the capacity to move product from one tank to another,

even if it's by a temporary mechanical pipe system and using tanker trucks which would be a major undertaking.

Ms. Stickney: One final question – the license granted in January [2012] shows 300 gallons Underground storage but your license prior had 5300, can you explain the extra capacity, is it being accounted for into this tank.

Mr. Leon: For historical reasons, there was a 300 gallon run-down tank.

Mr. Morris clarifies that for these purposes, it is a storage pipe [300 gallons] under the rack. It is underground storage for condensation that builds up at the rack.

The 5,000 gallon [underground] tank was removed. We had a long conversation with the Licensing Commission and the Fire Department as to whether we should add the 5,000 removed and add it to the above ground storage. Collectively, it was determined that 5,000 gallons was irrelevant because at any time the terminal is not filled to capacity so the 5,000 was not added to the above-ground capacity.

Ms. McDonald has no questions

Mr. Reynolds made a Motion to continue the hearing, seconded by Mr. Mikami.

Ms. Santucci Rozzi clarifies that the next availability is November 13th at 7:30 pm.

Mr. Eng makes a recommendation to invite a member of the Fire Department to the next hearing.

Ms. Stickney offers that Lieutenant Nelligan seems to be the point person at the Fire Department.

Mr. Eng clarifies that he wants to be sure that the Fire Department is comfortable with this new tank and they know what is going in it and make sure there is a contingency plan in place.

Mr. Leon states that the Fire Department already submitted a letter for the file indicating they have reviewed it. Additionally the Fire Dept. has a detail set of the all the engineering drawings which he believes were already signed and approved to permit submission to the State Fire Marshall Office.

Ms. Stickney: In the letter that Staff received [Mr. Morris has a copy of]; they are waiting for something from the State Fire Marshall's Office so she doesn't believe it's 100% approved.

Mr. Leon: doesn't believe that is true. He says, it's a sequential process, the first step is the Flammable Storage License from the Licensing Commission. Following that, the Fire Department, under the state regulations, has the local approval authority for the tank and piping construction plans. Under 527 CMR regulations, local approval is granted by the Fire Department when they review and stamp those plans and approve them. Only after that is done, can they go for state approval under state regulatory program. We cannot initiate construction of the tanks without both

the state and local Fire Marshall's approval. The local Fire Department is not waiting for anything further until that regulatory program is complete.

Ms. Stickney: makes the Chair aware of a conversation she had a discussion with Lieutenant Neilligan today on this issue, she specifically asked him about the secondary containment and he told her that the State Fire Marshall's office will be approving it and they are waiting to hear from them. So she believes there are outstanding issues that haven't been addressed.

Mr. Leon asks to address the issue of containment. The By Laws address the storm water management – there is a body of regulation dealing with containment generally, of hazardous and flammable materials. The state Fire Marshall's office is focused on that containment aspect, not a zoning consideration. Certainly, the By Law doesn't address secondary containment the way the state regulations program does. The Fire Department and other jurisdictions have concerns about those issues as well, and not storm water.

Ms. Stickney reminds Mr. Leon that this is a site plan review, in which secondary containment is looked at because it involves the modification of the ground. In this particular situation, there is quite a bit of ledge cropping down there.

Mr. Crispin attempts to explain further but the Chair reminds him that a Motion was made to continue the matter. Mr. Crispin acknowledges that it will be heard on November 13th at 7:30.

Vote: 5:0:0

12-07

10 Pantano Street, D. MacDougall, Jr., Application for Grading Permit

Donald P. MacDougall, Jr., Applicant

Chair reads Public Notice.

Mr. MacDougall explains that he wants to enlarge his backyard so his kids can have a yard to play in. He also wants to resolve a water problem in his basement by adding drainage and building a retaining wall to redirect the water.

Chair asks if there are any public questions; no questions asked.

Ms. McDonald did not have any questions but noted compliance of the Conditions to the Applicant.

Mr. Mikami asked how this situation came about. In response to removing a portion of your yard, it was discovered and then the Planning Department told you to file a Special Permit.

Mr. MacDougall stated that he communicated with DPW because he knew of an easement that ran through the back yard. He explained that he was figuring distances and if there was something wrong with the pipe, a good time to deal with it would be while the dirt was being removed. That's when Melissa got involved and the grading permit was applied for.

Mr. Mikami asks the Applicant if the Conditions were read – he’s working with Ms. Santucci and he feels comfortable? Applicant answers yes.

Mr. Mikami asks when he plans to begin – Applicant responds, in 21 days.

Mr. Eng asks about the perforated drain pipe to drain water away from the house. You are proposing to run the water into the street, are there any problems with this location?

Applicant explains that there is a pipe that goes into the drainage systems that runs and dead ends in front of his property – it has been discussed with the DPW and the Water Department that this was the best location to divert this water.

Mr. Eng asks if the wall he is proposing has been approved by the Building Department. Applicant says he hasn’t gotten that far, he plans on going to the Building Department after tonight.

Mr. Reynolds doesn’t have questions, he is satisfied.

Chair has no questions.

Motion is made by Mr. Eng to approve the correspondence dated July 30, 2012 – Sept 6, 2012;
seconded by Mr. Mikami
Vote: 5:0:0

Motion is made by Mr. Reynolds to close the Public hearing; seconded by Mr. Eng.
Vote: 5:0:0

Motion is made by Mr. Reynolds to approve the Grading Permit with Conditions; seconded by Mr. Mikami.
Vote 5:0:0

[T.C.O. 12-039]

90 Church Street, G.B. New England 2, LLC, Recommendation on Petition for Rezone

Frank Marinelli, Attorney for Gershman Brown Crowley Inc – GBC
Paul Beck, Vice President of Gershman Brown Crowley Inc – GBC
Jeff Kucukistipanoglu, Site Engineer, drafted plans for RJ O’Connell & Assoc., Inc.
Greg and Michael Shea, (Plimit Realty Trust), owners of the site
Attorney Joe Driscoll, Attorney for owners

Chair read the Public Notice.

Attorney Frank Marinelli introduces himself and Gershman Brown and Crowley a/k/a CBC. He explains that GBC, the Shea Family and CVS propose to demolish the old South Shore Chrysler Plymouth building. Plans are presented indicating the existing condition and photos of the existing

buildings. They propose to demolish the building located on 90-96 Church Street and 178 Washington Street and redevelop the 1.6 acre site with an esthetically designed and landscaped CVS Pharmacy as used in the general business zone.

Mr. Marinelli explains that recently, he and CBC worked with the Hingham Planning board to demolish the Webber-Dodge site at the Hingham Ship Yard and replaced it with a similar CVS Pharmacy as proposed here.

Mr. Marinelli introduces Paul Beck of GBC and Mr. Jeff Kucukistipanoglu, the site Engineer who prepared the plans for RJ O'Connell & Associates, Inc., additionally, the owners are introduced and their attorney, Joe Driscoll.

Mr. Marinelli explains the background: the site is about 1.67 acres - over 86% is zoned general business. The remaining small piece to the south [on chart] is zoned Resident "C" allowing the construction of apartments but not at this non-conforming Residency C lot. This lot is only 22% of the required lot size for Residency C lot - therefore the lot has no significance we would submit as a Resident C lot because it does not comply many of the dimensional, requirements that are listed in the Planning Board staff report and the town zoning by-laws.

The small lot has an existing non-conforming 2 family home at the front, about 110 years old according the Patriot Properties information, approximately 1 foot from the street. Currently, the front setback for Resident C is 50'. This is only 2% compliant with zoning. The project would remove a non-conforming lot, a non-conforming building on that lot. The small lot is more than 50% paved and occupied by South Shore Autolines. Over 90% of the site that is currently used for motor vehicle sales and repair will be replaced by a CVS Pharmacy with a "village like" design used by right in a general business zone.

Currently, approximately 92% of the site is paved without landscaping. The proposed site will offer about 23% open space and generous landscaping (400 plantings) as show on the proposed conditions. The intent is to join with the neighboring general business zone property enhancing some of the hard-scaping. The village design is brick, gabled and clapboard like materials that transition well with the residential and commercial district in the general area.

There are additional improvements that will be discussed during the site plan process, such as lighting, security lighting and broader curb cuts, improving the intersection. The proposed parking meets the Zoning By-law, plenty of stacking capacity on this site. A CVS drive-through is very modest serving elderly pharmacy patrons mothers with small children, people who are ill, not for any other kind of shopping.

The rezoning of the southern lot is a good opportunity to create a better site. The proposed project increases the circulation, buffering, and significant landscaping and creates a more palatable street scape to the northerly section, westerly and Church Street. Secondly, the rezoning of the small parcel allows for a higher and better use of a single CVS Pharmacy that is allowed in the general business zone as opposed the current automotive usage. The new plan offers a more palatable

street scape including significant landscaping on the northerly section, westerly and on Church Street giving good reason to rezone the non-conforming lot. The Staff Report notes that the lot is severely non-conforming, the proposed development offers an increased buffer to the residents of Church Street and allows for more open space. It will be a benefit to the neighborhood and residents. It eliminates a use that is noisy, involves outside storage and has environments factors associated with auto repair. Utilizing the space for retail offers a higher, better use; more compatible with the general district overall.

In summary, Mr. Marinelli respectfully requests the Planning board make a favorable recommendation on the rezoning of the small lot to make for a better site, better redevelopment and use that is allowed by right.

Chair asks for public questions or comments; no persons had questions.

Chair opens to the Board.

Ms. McDonald said most of her questions were answered in Mr. Marinelli's presentation. She further sates that rezoning this size lot would be more consistent in general business. She asked Mr. Marinelli if there were any concerns at the Neighborhood Meeting. Mr. Marinelli said it went well; it answered a lot of questions.

Chair clarifies a separation of the rezoning issue with the site plan building proposal.

Mr. Mikami: Confirms with Mr. Marinelli that this is a first step for rezoning – this then goes to the Town Council for a vote followed by the site plan review. Mr. Mikami asks what the timeline plan is. Mr. Marinelli states that 2013 is the plan.

Mr. Mikami asks if the Sheas will continue to live at 84 Church Street. Joe Driscoll, the Shea family's attorney answers that Greg Shea will continue to live as members of the neighborhood, a direct abutter to the property.

Mr. Mikami asks if South Shore Autolines will open elsewhere in Braintree. Mr. Driscoll sais that it is not anticipated.

Mr. Mikami asks if CVS will ever be open 24 hours. Mr. Driscoll: "No"

Paul Beck, Vice President of Gershman Brown Crowley Inc – GBC, fields questions about impact on the surrounding CVS' in the area such as the Independence Ave., Quincy and the location at South Braintree Square? Mr. Beck explains that the proposed site will replace the Independence Ave, Quincy. Any Braintree CVS stores will not be affected.

Mr. Mikami asks about any hazardous site cleanup? Mr. Beck explained that CVS hired a firm: Ransom Associates for a complete environmental analysis of the site. For an auto site, it is relatively clean. There may be some mitigation and some soil removal offsite, but comparatively, this is almost a pristine site. The tanks and lifts have been previously removed by the Sheas. Mr.

Mikami asks about parking to open space ratio? Mr. Marinelli said that CVS wants to preserve the parking as plans indicate.

Mr. Eng asks if South Shore Autolines will relocate within Braintree or somewhere else.

Attorney Driscoll answers: "not to his knowledge, the Shea's don't have plans to relocate."

Mr. Driscoll points out that Mayor Sullivan has worked to improve the "gateways of the town"; considering that, this CVS will be a very good project for the town.

Mr. Reynolds states that considering the lack of comments from the neighbors and abutters, it appears the proposed rezone and use the site is a good use. What we potentially see here is a benefit. Landscaping, buffering and eliminating the negative features of the prior business use. Due to the concern about traffic as revealed in a letter from a neighbor who is not present tonight – he believes the project is lending itself to the due diligence the applicant is willing to do. He states that he is looking forward to the details of the traffic study.

Mr. Marinelli states that a full traffic study will be filed with the site plan. They are working on it presently.

Mr. Harnais notes that there are likely other lots in town exactly like this, just a non-conforming use. I know the neighbors are cautious about what is going in there, but he explains that he doesn't want to confuse the issue – separating what is going in there is a different issue than the purpose of this rezoning. He comments that he hopes it happens and counselors look at it carefully. This is about a sliver piece of property to rezone to conform to the use of the neighborhood.

Chair Motions to enter any correspondence into the record, Ms. Santucci states that there is no further correspondence.

Mr. Reynolds Motions to close Public Hearing; seconded by Mr. Eng
Vote: 5:0:0

Mr. Eng Motions for a recommendation from Planning Board to Town Council to rezone from Residential C to General Business; Motion second by Ms. McDonald
Vote: 5:0:0

With no further business, Mr. Reynolds Motions to Adjourn the meeting; seconded by Mr. Mikami
Vote: 5:0:0

Respectfully submitted,

Elizabeth Schaffer