



Department of Planning and Community Development

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Braintree Planning Board – February 11, 2020 – Cahill Auditorium

Present:

Mr. Robert Harnais, Chair, expected to arrive late Christine Stickney, Director
Ms. Erin Joyce, Vice Chair Melissa SantucciRozzi, Assistant Director
Mr. Darryl Mikami, Clerk
Mr. Phillip J. Baker
Mr. William J. Grove, Associate Member

Vice Chair Erin Joyce calls roll at 7:04 PM. Three (3) members and one (1) associate member are in attendance. Vice Chair Joyce explains that Chair Harnais is expected to arrive late but may not be able to attend, Member Downey is absent and we have a new Alternate Member, William Grove. Vice Chair Joyce explains that the Public Hearings do not start until 7:15, but we will take up New/Old Business until then.

NEW BUSINESS/OLD BUSINESS

February Zoning Board of Appeals Petitions

7: 05 PM – Three Planning Board Members and Associate Member William Grove are participating.

There are three Petitions on the Agenda for the Zoning Board of Appeals for their February 2020 Meeting. It is recommended that the Planning Board move forward the staff recommendation on these Petitions.

Member Mikami **MOTION** to approve Staff Recommendations but he would make a note on Petition 20-04, ReadySpace at 530 West Street, this applicant had previously come to us, and we had an extensive period of review for Special Permit. Many of the conditions set forth by the Planning Board should be carried through to this location, and that is being discussed with the Petitioner, which is very positive. Note that it is same petitioner with a different location. Associate Member Grove requests a minute to review the Zoning Board information. Director Stickney explains to Associate Member Grove that the Planning Board, over a year ago, determined that they would no longer entertain the individual applications and they would go with Staff Recommendation rather than make their own recommendation. As part of the Comprehensive Zoning requirement they were also going to not participate in giving recommendations to the Zoning Board. Director Stickney wanted to explain why the zoning package is provided in summary. Associate Member Grove asks about the decision by Building Inspector to determine it is a modular use. Director Stickney explains that the Building Inspector has been working with the Town Solicitor on that item, and that was a choice the Building Inspector made. Previously on Braxton Street, in Highway Business Zone, it was considered warehousing, and the Building Inspector felt that the interior “fit-up” that was going on looked more like modular storage. That is what the Applicant is contesting; he is appealing the Building Department’s determination. Council for the Applicant and council for the Town have been working to reach an agreement to present to the Zoning Board. Associate Member Grove acknowledges that there is already a MOTION before us, but he has some reservations on one of the Petitions, and he wonders if the MOTION can be revoked in order to vote each individual Petition separately. Vice Chair Joyce advises that the Planning Board can vote each individual Petition separately. Associate Member Grove would like to have a little more discussion. Member Grove acknowledges that the Zoning Board of Appeals has not paid a lot of attention to Planning Board recommendations. He feels that recommendations should be more descriptive because it is not just to the ZBA it is to the electorate. Assistant Director SantucciRozzi clarifies that what goes to the ZBA is a full report.

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Member Grove refers to the motion to approve or deny and states that residents should know that there was some dissension, but that is up to the Planning Board.

Director Stickney feels Member Grove's concern is more with the policy that the Planning Board has accepted, and we need to discuss the policy. It should be determined by the full Board when all members are present, as it was a policy established some time ago by the full board.

Member Mikami has not taken back his MOTION and explains that we spent a considerable amount of time for a considerable number of years reviewing these recommendations, and they were not taken up by the ZBA. Since the Planning Board is merely a recommending Board to the ZBA, we voted to accept staff recommendations and let staff work with ZBA. Member Mikami explained, after considerable time on every petition, there were many Planning Board recommendations which were not looked at. Member Mikami respects Member Grove's opinion, but it gets frustrating on the Planning Board's behalf. Member Grove understands but states that he is opposed to the 2 Hall Avenue Petition because there is no need for a variance in the current situation, only if they go to a two-family, and therefore they are creating their own hardship, which is not a legal process.

Vice Chair Joyce appreciates Member Grove's input. She explains that personally she would spend a significant amount of time on ZBA applications. She would not necessarily be against going back to that, but it is challenging when you do spend so much time and you have personal expertise on certain things, and it is not weighed as much. The Planning Board got to the point where they felt comfortable going with the Staff Recommendation. She suggests that when we have a full Planning Board present, we can look at this policy again.

Let it be noted that there was a concern expressed by Member Grove with regard to the 2 Hall Avenue Petition.

Member Mikami **MOTION** to accept the staff recommendations on the ZBA Petitions for February 2020; seconded by Member Baker; voted 3:1:0. (Member Grove opposed).

NEW BUSINESS/OLD BUSINESS

**Request for Endorsement of Covenant - File #19-15 - Definitive Subdivision /
Clean Harbors, Applicant**

7:14 PM – Three Planning Board Members and Associate Member William Grove are participating.

Director Christine Stickney reminds the Board that we had a Subdivision approval and Site Plan Review, and under Chapter 41 for Subdivisions the Applicant is given the option of a Performance Guarantee Covenant or other means in the form of cash. The Applicant chose to do the Covenant, and Director Stickney would ask that the Board vote to accept the Covenant and endorse it.

Member Mikami **MOTION** to endorse the Covenant for 1 Hill Avenue, the Definitive Subdivision for Clean Harbors; seconded by Member Baker; voted 4:0:0.

CONTINUED PUBLIC HEARING

11 Sherbrook Avenue – File #19-16

Special Permit and Site Plan Review (Two Family Conversion)

Feng Zhong, Applicant

7:17 PM – Three Planning Board Members and Associate Member William Grove are participating.

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**Present for the Applicant:
Feng Zhong, Applicant**

Feng Zhong, owner of 11 Sherbrook Avenue, states it is a large single-family, and she wanted to convert it to a two-family.

Director Stickney explains that this property is the lot that was part of the Baptist Church off of Washington St. There is a parking easement on the property that is afforded to the church to be used. Director Stickney has discussed a couple of matters with the Applicant that might help the petition including setback issues and drainage issues. The Applicant has provided existing and proposed floor plans. On the advice of staff, it was suggested that the Applicant wait to have surveyor stamp plan until after the meeting tonight, in case there were additional issues that need to be addressed by the surveyor. The plans before the Planning Board are not stamped, but that will be addressed. A staff report has been provided in the materials.

Vice Chair Joyce opens meeting to the public.

Steve Sciascia, Hollis Avenue, Town Council District 2, thanks the Vice Chair for the opportunity to speak. He wants to pass along some concerns that some residents expressed to him, and he also wanted to make a statement about this kind of project in general—not this specific project or the other two-family conversion that is coming before the Planning Board tonight. Some of the concerns expressed to Councilor Sciascia were about parking. Residents mentioned that it is already difficult getting in and out of Sherbrook Avenue. Any two-family, with cars parking on the street, will make that problem worse. Some general concerns about allowing two-family conversions around town are that these type of projects affect, not only a specific neighborhood, but every neighborhood in town. Councilor Sciascia would like to add his own comments and states that, although it seems like a long time ago that we went through the comprehensive zoning review, there were very few things that were so widely agreed on in this town that we ended up changing the draft to reflect them. One of those was two-family conversions. They are allowed by Special Permit today; they were allowed in the first draft of the Comprehensive Zoning update. Later in that process, due to overwhelming resident response on that, Ordinance and Rules comments and many comments by the current Mayor opposing two-family conversions, that was taken out of the final draft, which we never ended up seeing, but it was supposed to be removed. There is a lot of concern about allowing two-family conversions in primarily single-family neighborhoods because if you allow one, because there are others nearby or in the same neighborhood or on the same street, it makes it that much more likely that the house next door would be allowed for the same reason. Councilor Sciascia thinks that, where we just came through this process, of having all residents come and talk about what they want to see in their neighborhood and having so many people speak out against two-families not all over town but specifically in established residential neighborhoods of single-family homes, he would ask that this Board consider strongly those resident opinions in making a decision on any two-families going forward until we have a chance to update our Zoning Bylaw. Thank you.

There are no further comments from the public.

Member Baker makes an observation on the site plan. It looks like, with the existing driveway, they are almost doubling the impervious surface by adding all these spots in the rear. There is not much greenery on the site. Are there any other existing two-families or three-families in the area? Ms. Zhong states there is a three-family next door on Washington Street. She is working with the church on the easement to allow the Applicant to use four parking spaces from the existing parking lot. If that is okay, then she will not have to pave. Member Baker confirms that they would be demolishing existing garage in order to create parking; he would be more open to

seeing parking in the back. Her attorney is currently working with church attorney to make that happen. Member Baker explains we are looking to prevent paving everywhere and include beautification when projects are done.

Member Baker asks if there is accessible space in the basement for laundry for the two units. Ms. Zhong explains it is accessible; there will be a stairway going down to the basement. The basement will be mainly used for laundry. Member Baker did not see another egress out of the basement to outside. She is not sure if the architect has included the basement drawing. She can have him add that. Member Baker confirms that the Applicant is moving entrance from the middle to the side, and there is new deck and stairs out back.

Director Stickney states she talked to Applicant about pulling the stairs in more to eliminate some of the non-conformance. Member Baker would be more for having just stairs and no deck. Director Stickney explains that there are 25 structures on Sherbrook Road; 23 are single-family, one is a two-family and one is a group home. There are two on the corner of Sherbrook and Washington, and both of those are three-families.

Member Grove states in Director Stickney's notes there was a need to file with ZBA. What relief is the Applicant looking for? Director Stickney states it would probably be extending the non-conformity. It is a new non-conformity because the deck and stairs are not there now. It is squaring the structure off, and it would be a continuation. Member Grove asks if they did that would they be able to meet their parking needs and open space. Director Stickney states the site plan did not have the dimensional, including the lot coverage and the building coverage. That is one of the things we have asked the surveyor to provide. Other than addition of stairs and the deck and the impervious surface, that would be only increase to the lot coverage.

Member Mikami asks Director Stickney under insufficient lot coverage and various setbacks, does that mean they would have to get approval for all these deficiencies under ZBA. Director Stickney states yes. It meets the 70% lot coverage. 32% of the lot is open space. The Applicant may need relief, but it was suggested by staff for the Applicant to have discussions with the church to see if there was a way to have the easement amended to allow her to use spaces. Director Stickney explains the Applicant has designed a new drainage system that looks like a large leaching basin to address that impervious surface. Member Mikami asks the Applicant how long they have owned this house. Ms. Zhong states since June 2019. Member Mikami asks what the configuration of the house is today: how many bedrooms, bathrooms and kitchens. Ms. Zhong explains: 3 bedrooms, 2 bathrooms and 1 kitchen. Member Mikami asks if you proceeded with a two-family what would be configuration. Ms. Zhong explains there will be 2 bedrooms, 2 bathrooms, 1 living room and 1 kitchen per unit. Member Mikami asks how many entrances? There are currently 2 entrances. Member Mikami asks if there will be an emergency exit from second floor. Applicant is proposing stairs with deck on second floor. Member Mikami asks how many cars can be parked today. Applicant explains two cars can be parked on partial pavement today. Member Mikami states the Applicant is putting forth a pretty intensive redevelopment of this property. There are a number of zoning issues. There are a couple of issues related to landscaping and the basement, which will be divided into two sections. Member Mikami asks if the Applicant plans to live here or will she be renting it. She will not live there; she is going to rent it out. Member Mikami explains that we have to look at all of these things carefully. Member Mikami asks if she has technical professionals. Ms. Zhong explains that she has an architect that is a professional engineer. Member Mikami states it is not as straightforward as it seems, and he suggests closely reviewing technical issues and determining how the Applicant can improve upon them. Member Mikami suggests making the project better and more acceptable, as there is a lot going on. The details make up everything.

Vice Chair Joyce confirms that the Staff Report has been shared with the Applicant. Taking into consideration the amount of questions that are still outstanding in the Staff Report and trying to get a little bit more infor-

mation on the Site Plan and we would be looking to have a professional land surveyor stamp the plan, the Planning Board needs a little more information to make a decision on the application.

Member Baker states there could be a better option for parking than paving everything. There could be two spots in the front and two spots in the back. Assistant Director SantucciRozzi questions whether the proposed spaces are maneuverable. Vice Chair Joyce states there is a little more work to do with staff and the land surveyor/engineer. She suggests continuing this hearing to the next available Planning Board meeting.

Member Mikami **MOTION** to continue this hearing to the March 10, 2020 Planning Board meeting at 7:15 PM; seconded by Member Baker; voted 4:0:0.

CONTINUED PUBLIC HEARING

35 Middle Street – File #19-17

Special Permit and Site Plan Review (Two Family Conversion)

Stephanie McMains, Applicant

7:35PM – Three Planning Board Members and Associate Member William Grove are participating.

Present for the Applicant:

Stephanie McMains and Keith Gazzolo, Applicants

Applicant Stephanie McMains explains they are looking to convert 35 Middle Street from a single-family to a two-family. They currently live there and have owned the house since 2013; when they purchased the house, the previous owners had been using it as an in-law. They already had an outside entrance and a kitchen in the in-law suite. When they bought the house, they had planned to turn it back to a one-family, but Ms. McMains realized there was no way to go up and down stairs due to a health issue. Ms. McMains mentions that there was a large space on the first floor, and a better use would be to convert to a two-family. She has supporting documents and explains essentially each floor would have an apartment. The basement would be shared space. There is an outside entry to the basement. Ms. McMains explains that there was no permit pulled when they built the outside stairs. She has letter from her neighbor stating stairs have been there since at least 2008. They are proposing adding a second outside stairwell and blocking off the interior stairwell. It would essentially be two bedrooms/one bathroom in each apartment.

Director Christine Stickney explains they do meet the requirement of the definition in the ordinance; they have shown that it pre-dated the ordinance. The property was subject to a taking back in the 1940's. The size of the lot has changed from what it was originally; it is 14,430 square feet. There was some discrepancy with town records. They have talked to the Assessor's Office, and it has been resolved. There was an issue with existing encroachments at the back of the property. Director Stickney explains an issue came up because there is no Building Permits that show the stairs were built with a permit. As you know, the laws have changed; if the Applicant can demonstrate it was over ten years old, they are entitled to have it. That is not to say they are structurally to code. They may be required by the Building Department to address that. There is no enforcement to be taken or sent to the Zoning Board of Appeals. The Applicant has provided documentation that the stairway existed over ten years ago.

Director Stickney explains there were discussions about the retaining wall; similar to the prior applicant, Director Stickney suggested going before the Planning Board before having revisions made to the plans.

Ms. McMains explains that there is currently a retaining wall where the outside stairs are going to go. The Applicant feels that the retaining wall could use a replacement. Member Baker asks what the elevation change

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from the retaining wall to the driveway is. Is there a five or six foot drop? The Applicant advises at the highest point. The Applicant mentions that their neighbor is a multi-family and there are apartments/condos on the other side.

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

Member Baker states the plan looks fine with the bedrooms and the bathroom converted with the closet and the stairs. His main comment related to retaining wall and exterior stairs indicates that, because of the drop, you might want to include a rail. Member Baker states there might be a better egress pattern, as you are meandering around. The Applicant mentions that the architect thought they could flip the stairs to the other side that is level with the driveway. Member Baker mentions, with regards to the existing staircase, now that you are converting from one to two staircases, does it give you the opportunity to make the stairs that are already there better. Member Baker mentions the Applicant will need fire-blocking from unit to unit, and you could potentially rebuild stairs to ensure they are up-to-code. Member Baker states the layout looks good. Member Baker suggests looking into rebuilding staircase, as it is a potential fire hazard. The Applicant mentions that the staircase was made out of nice composite, but it has not been inspected to ensure it is up to code; however, they would be happy to bring it up to code.

Member Grove has no comments.

Member Mikami asks Director Stickney how we are going to decide, similar to the last project, whether issues (such as retaining wall, stairway and other potential zoning issues) are going to need to be appealed or fixed. Director Stickney states she has suggested with retaining wall that they provide a specification and a cross-profile of the retaining wall. They may reconsider with the reorientation; this would be something we would work with them and their engineer on. The interior staircase is a Building Code issue; all we can do is bring it to the Building Department's attention. As far as other items externally, they have been addressed. Director Stickney assumes the Building Department will look at the stairs and determine if they are sufficient. If they wanted to expand stairs rather than repair, they would have a zoning issue. Member Mikami confirms with Director Stickney that the coverage ratio is okay. Member Mikami's thought is to make sure everything is perfect. Member Mikami's feeling is fix everything; put it in code. You don't want to have any issues if you sell it. When Member Mikami looks at plan today, and confirms that the Applicant is currently parking four cars on existing pavement. Member Mikami states they would need to have parking for four cars.

Vice Chair Joyce follows up on comments regarding setbacks, is there a density and dimensions table for this project. Director Stickney explains that, on the rear setback, it is 28 feet to the rear lot line, where 30 feet would be required today. There was a taking, so the frontage is funky. Vice Chair Joyce, given that they are not changing much significantly to the house, they potentially might have portions of zoning that they do not meet. Director Stickney explains that the rear lot setback at 28 feet does not require a variance because it is existing. It has been there since before 1940. Vice Chair Joyce asks if there are outstanding staff issues. Director Stickney explains she has been working to resolve most of them, and she had suggested waiting to go back to the architect after this meeting to eliminate extra costs. Vice Chair Joyce confirmed that there will be revised plans with dimension and density table. Vice Chair Joyce asks if any of the floodplain falls on the Applicant's property. The Applicant confirms that floodplain is not on their property, but it is close by. Vice Chair Joyce asks that the surveyor update the datum and note the floodplain on the Site Plan.

Vice Chair Joyce states it looks like there are a couple of outstanding items still to be worked through, and maybe we can extend this hearing to our next meeting date on March 10, 2020 at 7:15 PM.

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Member Mikami **MOTION** to continue this hearing to the March 10, 2020 Planning Board meeting at 7:15 PM; seconded by Member Grove; voted 4:0:0.

PUBLIC HEARING

201 Commerce Drive – File #18-16

Major Modification to Special Permit and Site Plan Review Decision

Marr Scaffolding, Applicant

7:56 PM – Three Planning Board Members and Associate Member William Grove are participating.

Appearing on behalf of the Applicant:

Frank Marinelli, Attorney

Dave Hughes, Vice President of Real Estate

Member Joyce provides a point of clarification, for the record, she wanted to note that she filed a Form 23(b)(3) Disclosure with her appointing authority, the Mayor's Office, noting that a business she owns operates in a space within the Applicant's Attorney's office building.

Attorney Frank Marinelli appears on behalf of the Marr Companies. With Attorney Marinelli is Dave Hughes, Vice President of Real Estate for the Marr Companies. Mr. Hughes is also in charge of the development of the building at 201 Commerce Drive. Attorney Marinelli explains that Marr has been serving the region for approximately six generations for over 120 years. Marr was established in 1898 and has played a major role in Boston area development by providing high quality steel and precast concrete erection services to fabricators and general contractors. Last year, the Town of Braintree welcomed Marr to the Commercial Zone where they have built their new commercial building. A year ago, Marr paid \$4.25 Million to purchase the 10.5 acre site that is located in the Town's Commercial Zone on Commerce Drive, which is in a longstanding commercial area. Attorney Marinelli provides some background information on the Commerce Drive area. The Marr's have built a smaller, state-of-the-art contractor building, which the Planning Board approved last year under Planning Board File #18-16. It is less than 45,000 square feet. The use, Contractor Yard, is an allowed use "by right" at this site. The approval was really Site Plan approval because there is no Special Permit for use. Attorney Marinelli goes on to describe the Contractor Yard Use. Section 601, the Table of Uses of the Zoning Ordinance, shows Contractor Yard as an allowed use "by right" at this site.

Attorney Marinelli explains that tonight's application is to add a single dispenser, double walled above-ground 5000 gallon diesel tank. Attorney Marinelli has provided materials on safety and specifications on the tank. The tank is for fueling the large-wheeled crane trucks and the like that Marr has onsite. Such a state-of-the-art tank and single dispenser can be customary at large commercial vehicle sites. This site is a spacious 10 ½ acres, and there is plenty of circulation room around the fuel tank. The tank is almost 70 feet from the new Marr building. It is located on the easterly side, screened to the west by the Marr building and the postal facility building. The tank concrete pad is 24' X 14' or 336 square feet. The reasons for the diesel tank are as follows. By locating a single dispenser on the premises, the public doesn't have large wheeled crane equipment coming into local gas stations to fill up. Not only would that be a potential circulation issue at gas stations serving primarily car customers, but there are also canopies and similar structures that can be adversely affected. Large equipment often leaves early before commercial stations are open and often returns after peak evening hours. Attorney Marinelli has provided Northeast Petroleum's safety bulletins. Northeast Petroleum has been in business for 68 years. They published a list of over a dozen safety features for this installation. They also serve as the servicing agent for the Town of Braintree's DPW fuel tank off of Union Street. Attorney

Marinelli has provided a Dover Brochure concerning the advanced dispense of fueling control. The first major reason is that it is not only convenient for the site, but it is to ensure that large equipment is not at commercial gas stations.

Secondly, these single dispensers are not unusual at large vehicle sites and commercial areas of the Town. Attorney Marinelli provides examples of other businesses that have fuel tanks on their properties. Academy Bus has a fuel dispenser for its buses. Ryder Truck on Wood Road has a fuel dispenser for its trucks. Seal-coating Company has a single fuel dispenser on Granite Street. That one is gasoline, which is flammable Diesel fuel is combustible. Penske on Messina Drive, also in the commercial zone has a fuel tank. At Marr, this site is a spacious 10.5 acre site, very safe, very spacious, with good circulation. It is anticipated that 4 to 6 vehicles would be fueled per day, and the tank will need a refill less than once per month.

Third, and most importantly, the applicant has the recommendation from the Fire Department who, by letter dated January 28, 2020, stated to the Planning Department that they received and reviewed the plans, has inspected the site and has seen the tank at the existing location in South Boston. In addition to the safety items submitted by Northeast Petroleum, the proposed tank installation shall be in compliance with NFPA 1 and NFPA 30 CMR 527 9 and all applicable codes and statutes.

After installation, if the plan is approved, the Fire Department shall also require that the tank be tested and certified upon completion. The Braintree Fire Department does not oppose the application as submitted, at this time. Attorney Marinelli states every department provided their approval of the proposal. Stormwater Manager, Cindy O'Connell notified the Planning Department that she and Bob Campbell, Town Engineer, met with Dave Hughes. On Friday, they received an updated plan for the fuel tank, and the Applicant has no objection to a modification being issued to the permits for this project. Marr has been true to their word during the entire process. The Staff Report shows no opposition to the Major Modification request. Marr's investment in Braintree has been significant. Attorney Marinelli reminds the Board that the commercial tax rate is much higher than residential, and commercial tax payers contribute greatly. Attorney Marinelli is happy to answer any questions and would ask for the Board's favorable action.

Vice Chair Joyce reads the Public Notice into record.

Vice Chair Joyce opens discussion to the public; there are no comments from the public.

Member Baker asks if this could have been something we looked at originally, was it thought of originally or was it a second thought. Also, is it in front of an overhead door, and is this the best spot for it to be in front of? Attorney Marinelli explains that the siting where the concrete pad is was done with the cooperation of the Fire Department; they actually came out and said this was the best place for it. Dave Hughes, Marr's Vice President of Real Estate, explains the Fire Department reviewed the tank in the city over the summer, and they made suggestions as to where the tank should be placed. This is good space all around for fire access. Mr. Hughes states the garage door is 69 feet from edge of the pad.

Member Grove asks in the Applicant's informal discussions with the Fire Department did they make any recognition for a possible retention barrier.

Attorney Marinelli advises that, as it is not gas, you don't have the fire suppression canopy and so forth, but when Dave Hughes met with Stormwater Management (even though it is not required) it was agreed to put grooves around the perimeter. Member Grove asks a question about the Minor Modification for this same site, and Director Stickney explains that the oil tank is a Major Modification and it is a hearing. Director Stickney

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anticipates that the Applicant will be talking about the Minor Modification later this evening, as well. Attorney Marinelli explains they can do that now and explains that the vehicles were requested to be onsite; they went through the proper channels when that was requested a couple of months ago. Mr. Hughes' letter goes back to December 9th. The January meeting was cancelled, and we are doing the landscaping in the spring. Vice Chair Joyce offers a point of clarification that the current Public Hearing is for a Major Modification for fuel storage. This Applicant also has a Minor Modification request for some temporary exterior storage. For now we will just speak to the fuel storage aspect.

Member Mikami states that Attorney Marinelli mentioned that the tank is only refilled once per month, and he asks how many trucks per day will use the refueling tank. Attorney Marinelli clarifies 4 to 6 trucks.

Vice Chair Joyce asks about the pad, and whether it is there today. Attorney Marinelli confirms that it is and clarifies that it is the pad with the bollards every four feet. Vice Chair Joyce asks if the containment pad with the grooves will be installed next to this. Attorney Marinelli states yes. Vice Chair Joyce has no further comments or questions, and asks is there anything outstanding from staff.

Director Stickney advises that they made a suggestion for a new condition. Director Stickney reads the proposed condition into record. First she reads existing Condition 61 which states: "Any future proposal for fuel storage on the property shall be considered a major modification, requiring the applicants and/or future successors to submit for a major modification to condition #13." If the Board approves this Major Modification, staff is recommending the following condition be included: "The Applicant has been approved for an above ground fuel storage tank of 5000 gallons to dispense to Marr and/or their successors' vehicles only per the modified Site Plan entitled Proposed Above-Ground Storage Tank dated 1/15/2020 stamped by Karlis Skulte, RPE of CEC (one sheet). Any modification of the tank, including but not limited to increased storage capacity or placement of additional tanks adjacent to the 5000 gallon tank, shall be considered a major modification requiring the applicants and/or future successors to submit again under condition #13."

Vice Chair Joyce states if there are no further comments or questions, the chair will entertain a motion.

Member Mikami **MOTION** to enter all correspondence into record through February 11, 2020; seconded by Member Baker; voted 4:0:0.

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

Member Mikami **MOTION** to accept the Major Modification to Special Permit/ Site Plan Review for Marr Scaffolding, Planning Board File #18-16, 201 Commerce Drive; seconded by Member Baker; voted 4:0:0.

Director Christine Stickney confirms that the Chairwoman wants to discuss the Minor Modification while the Applicant is at the podium. Vice Chair Joyce agrees.

NEW BUSINESS/OLD BUSINESS

Request for Minor Modification/Board Action –

File #18-16 - 201 Commerce Drive - Site Plan Review and Special Permit /

Requested By: David Hughes

8:17 PM – Three Planning Board Members and Associate Member William Grove are participating.

**Appearing on behalf of the Applicant:
Frank Marinelli, Attorney**

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Dave Hughes, Vice President of Real Estate

Director Christine Stickney reminds the Planning Board that Attorney Marinelli explained why the trailers are going to be there. They are tentatively working on the interior “fit-up”, and they haven’t come for their issuance of Certificate of Occupancy. At that time, when they do receive their Certificate of Occupancy, most of that material in the trailers will move into the building. The way the Site Plan Review was approved, there is designated areas for certain equipment to be stored on the property.

Director Stickney states Mr. Hughes can speak to the anticipated schedule for obtaining Certificate of Occupancy. Attorney Marinelli states probably in March. Vice Chair Joyce asks and then the materials would move inside the building. Mr. Hughes states there are materials on trailers, but it is product that could be readily moved if the Town is opposed to us occupying our own property. They would remove it if that is what the Town wants to mandate, but the Applicant felt it was a good and logical approach. With all exterior improvements that have been done (less the landscaping), Mr. Hughes felt it was appropriate to ask for permission. Attorney Marinelli states obviously when the building is finished and occupied his large vehicles will be parked outside. That is part of the definition of contracting yard; you can park outside.

Director Stickney explains that we have not signed off on Certificate of Occupancy, nor have they requested it. There is a Condition stating there will be a monetary sum put up to guarantee the landscaping. Director Stickney wants to be clear that they are allowed to have some outdoor storage, and the Site Plan shows where they can have it and defines what they can have. What they are doing currently is a temporary situation and should not be permanent. Mr. Hughes states they are optimistic that mid-March is a good estimate. They are making good progress inside. There are a lot of internal controls that are being processed and inspected by the Town. Director Stickney states, in staff’s opinion, it is just a Minor Modification as it would be a field change.

Vice Chair Joyce opens the discussion to Planning Board Members. There are no comments from Members Baker and Grove.

Member Mikami confirms we have not yet felt the impact of any traffic from any of the trucks, as there are none there yet. Mr. Hughes agrees and states they have followed the direction of the Planning Board for exiting the property. Member Mikami asks how long will this persist for. Mr. Hughes states they are optimistic that this will be complete by mid-March. Mr. Hughes explains when they started clearing the site in April 2019, they started steel erection on August 7, 2019 and now they have a complete building with the tenant fit-out inside. Member Mikami thinks it is awesome. Mr. Hughes would like to commend all Town departments that he has dealt with; they have been extremely professional, very detailed, well organized and provided feedback in a timely manner. They have all done an exemplary job.

Vice Chair Joyce does not have any additional comments or questions, and she moves for a motion.

Member Mikami **MOTIONS** for the Minor Modification to File #18-16, 201 Commerce Drive, to be approved; seconded by Member Grove; voted 4:0:0.

Director Stickney encourages the Planning Board to take a look at the site. It is very impressive; the Applicant has done a really nice job.

PUBLIC HEARING

175 Campanelli Drive – File #19-02

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Major Modification to Special Permit and Site Plan Review Decision

EdgeGEN, Applicant

8:24 PM – Three Planning Board Members and Associate Member William Grove are participating.

Appearing on behalf of the Applicant:

Stephen Musser, EdgeGEN

Greg Phipps, Tangent Energy

David Kelly, Kelly Engineering Group

Vice Chair Joyce reads the Public Hearing Notice into record.

David Kelly, Kelly Engineering Group, explains that this this property is at the very end of Campanelli Drive and was formerly occupied by United Liquor. The site is over 20 acres, and it is currently occupied by a large building that is partially occupied. The northern half is occupied. Mr. Kelly explains that they were before the Planning Board and Zoning Board of Appeals last year to permit certain changes to allow the occupancy of the northern portion of the building by FireKing. Fireking has since occupied the building, they have finished all of their work and are running a success business. They are a bakery, as you may recall. This proposal is an extension of that prior proposal and includes the installation of a generator facility that would provide backup power in the case of a failure of the electric grid to Fireking. It will also serve a second purpose of providing additional power to the grid in Braintree in times of high demand. It has a dual purpose. The generator, because it was defined as a structure, did require relief from the Zoning Board of Appeals, which was recently granted, to increase existing building coverage on the site. The Zoning Board was very complimentary on the project and understood the need for this generator. Fireking is a bakery facility that cannot lose power to the facility or they have to restart the whole operation. The loss of material is financially a big burden. This is a really important project for them.

The generator sits in the middle of the site on an existing paved area, in parking spaces that are not required for zoning for the Fireking project. It is a very simple project. It doesn't change really anything on the site. It doesn't change stormwater runoff, or lighting or traffic or any of the other items you would expect to look for in Site Plan approval. The project is not located in floodplain area. It is a super simple project. The Applicant has worked with staff. Staff has recommended approval. Staff has provided copies of letters from other departments that were either complimentary or had no comments. Mr. Kelly concludes that they are here to answer any questions.

Vice Chair Joyce opens discussion to the public; there are no comments or questions from the public.

Member Baker confirms that the Applicant still has sufficient parking. Mr. Kelly states more than enough parking. They have about 606 spaces, and about 430 are required by zoning.

Member Grove asks staff about floodplain. Mr. Kelly states the building is about four feet above the floodplain and the generator is about one foot above floodplain. Member Grove asks if there is any consideration about flood retention.

Assistant Director SantucciRozzi had put together draft conditions, and two things came up. Her understanding is that this is fueled by natural gas, and there was a new high-pressure main put in to Campanelli Drive to power this. The second thing, which she had touched on briefly with the Engineer and the Building Inspector, was related to an added condition requiring a solid screen. She recognizes that you don't want to fence it in because of visibility on the turn. The actual generator will have a sleeve so everything making power is contained. They are proposing to put a guardrail around it. Staff wondered if the Planning Board was interested

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in having a chain-link fence, as well, or if the applicant is willing to do this. Staff's concern is that you want it to be secure. The Building Inspector suggested not having it screened with a solid fence.

The Assistant Director mentions that the other thing that came up, which she added in Draft Condition #48, was related to "what type of oils and fuels are in the area" that are not natural gas and what is the volume. Does the area need to be curbed off? It looked like it was going to be built on a pad. Is there any need for containment to prevent leaking? Mr. Kelly explains his understanding is that it is a fully contained structure. They are powered by natural gas, and there is no diesel tank storage. Stephen Musser of EdgeGEN speaks on the other liquids that might be in the system. There will be a urea tank for emissions purposes in order to meet Mass DEP. You need to have these generators at a certain emissions level. To do that you use urea, which allows you to meet emissions compliance. The urea tank will be within the generator itself and allows for a fully enclosed unit. These are made to be serviced fairly easily; you can enter these units and be able to walk around in them to get to where they need to go. Assistant Director SantucciRozzi confirmed that it was like a box trailer. Mr. Musser states yes exactly, and, while the generators are 900 square feet, the actual engine itself is barely a fraction of that. Assistant Director SantucciRozzi mentions that was depicted on the 8 ½ X 11 that was in the Board's packet. Assistant Director SantucciRozzi asks what happens if urea spills. Mr. Musser explains it would be within the container, and the service company would come out and clean up the spill as appropriate. Assistant Director SantucciRozzi asks if containers are water tight. Mr. Musser states yes. Assistant Director SantucciRozzi confirms they will be doing a guardrail and asks if they are opposed to chainlink fence? Mr. Musser is not necessarily opposed, but would have to work through the details.

Member Grove asks if natural gas can be specified. Assistant Director SantucciRozzi clarifies that under Condition 47 it states that the generator is powered by natural gas and any change to fuel source would be subject to a modification.

Member Mikami mentions that 10 megawatts is pretty darn big. It seems commonsensical, and he understands that they need the redundancy. No other comments.

Vice Chair Joyce has two quick comments. Regarding the pedestrian walkway, it looks like on the existing condition that there is a pedestrian path along there, but it seems like a path to nowhere. Given that we may not want people walking around this area, is there a site need for the walkway? Mr. Kelly comments that they are going to slightly move it to accommodate generator. Vice Chair Joyce's other question is a point of inquiry regarding utility resistance and resiliency. Was there any consideration for elevating generators a little higher because they are just one foot above floodplain to provide a factor of safety in the event there is an extreme flooding event? Mr. Kelly states there has been no evidence that this site has flooded in the past, and they deliberately located it outside the floodplain. Mr. Kelly thinks they have that extra measure, and they are comfortable where it is located. They feel where it is located is a safe area, and they have considered all of the questions being asked. Assistant Director SantucciRozzi asks how thick the pad is. Mr. Kelly thinks the pad is at grade. Vice Chair Joyce has no further comments.

Member Mikami **MOTION** to enter all correspondence into record through February 11, 2020; seconded by Member Baker; voted 4:0:0.

Assistant Director SantucciRozzi doesn't have any other comments; she updated the findings and changed a few conditions. She added Condition 22A, and Conditions 42-47 deal with the generators. The only question is they are definitely doing the guardrail. Does the Planning Board want a fence? The issue of changing the power or fuel source is also contained in the Conditions.

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Vice Chair Joyce states if it is secure without the fence, no need; Member Mikami asks if the Building Department didn't want a fence. Staff clarified with the Building Inspector, and he advised that there were emission that come out and need to get up into the stratosphere as soon as possible.

As far as the security, all equipment will be inside the secured box trailer. Vice Chair Joyce asks if there are other locations like these in town or locally. Mr. Kelly states it is essentially a generator, and most generators are not in any enclosure. There isn't a need; there is a concern with safety on the turn. Having no obstruction, other than a low level obstruction, is beneficial from a sight distance standpoint. Mr. Kelly would ask that the Planning Board consider allowing just the guardrail.

Member Grove assumes that these are going to be regularly tested and asks about how often. Mr. Musser states that one of the programs that they run for the generators is a monthly program. It will at least be a couple times per month, and in the summer months, when we have more stress on the grid, there will be additional run time.

Assistant Director SantucciRozzi explains that the Applicant has to come back to close out the project. There is some ongoing floodplain work that Mr. Kelly has dealt with Planning Staff and the Conservation Agent over. They need to go back in the spring and do some fine-tuning. Staff will get as-built plans. Once they are installed, we can take a look and see if a fence is needed.

Member Grove suggests that staff contact the Fire Department because this is far enough removed so there is no real aesthetics. He would be concerned about access by the Fire Department. Staff confirms that the Fire Department has weighed in, and they have some NFPA codes that they want to be followed, which have been included under Condition 43.

Member Baker asks what zone the building is in; Mr. Kelly states it is outside the AE; the northerly portion of the site is the AE zone.

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

Member Mikami **MOTION** to approve the Major Modification to Special Permit/Site Plan Review for Planning Board File #19-02, 175 Campanelli Drive; seconded by Member Grove; 4:0:0.

CHAIR HARNAIS ARRIVED AT THE MEETING AT 8:37 PM.

NEW BUSINESS/OLD BUSINESS

Request for Minor Modification/Board Action –

File #19-04 - 144 Allen Street – Site Plan Review ad Special Permit /

Requested by: 144 MPB Nominee Trust

8:49 PM – Four Planning Board Members and Associate Member William Grove are participating.

Appearing on behalf of the Applicant:

Attorney Brian Palmucci

Mark Bogan, Applicant

Sean Hardy, Engineer

Attorney Brian Palmucci is here on behalf of 144 MPB Nominee Trust and its beneficiary, Mark Bogan.

Attorney Palmucci reminds the Planning Board that this proposal was approved with conditions. The conditions

included a memorandum from a Traffic Engineer regarding sight lines and traffic count, as well as a landscape architectural plan. The Applicant has met each of those conditions. During the process of submitting that to Planning Staff, a concern was raised from our sight line memorandum that was provided by a Traffic Engineer. The concern was relative to six arborvitae that were in the buffer zone in the front area. They negatively impacted the sight lines to the property. As a result, we provided a revised Landscaping Plan, stamped by an architect that relocated the six trees, still within the buffer zone; the trees remain in the buffer zone, but are relocated so as to comply with sight distance requirements of Section 702(B) 4. The Applicant was asked to return before the Planning Board to present that minor change. It is a relatively minor change from what was previously approved. Section 702(B) 4 requires that there be a thirty-foot cone, which is clear of any obstructions in terms of sightline. Attorney Palmucci mentions they moved six arborvitae and added an additional tree. He suggests there are no substantive change, and they have complied with the conditions put in place. They have provided the Landscaping Plan, the Traffic Memo and an additional plan which showed the elevations.

Vice Chair Joyce confirms this can be found in Plan C-3, and she asks for clarification on where the plantings were proposed. Attorney Palmucci clarifies that the six plantings were on Allen Street and were within the sight-line for vehicles entering and exiting the site, within the 30 foot cone. Member Joyce clarifies the location of the retaining wall and the original location of the plantings. Sean Hardy, Engineer, mentions that they added a sugar maple because it falls above the ten-foot requirement for the sight triangle.

Member Baker confirms that everything removed was relocated within the site, but out of the triangle.

Attorney Palmucci states they didn't change the curb-cuts.

Member Joyce asks staff if there is anything outstanding or any other concerns.

Assistant Director SantucciRozzi states there are no concerns. The Assistant Director reminds the Board of the diligent efforts to get the Applicant to provide these documents prior to the Planning Board voting; she respects the Planning Board's position, but going ahead without that information has slowed things down dramatically. This was approved back in November, and we have had to secure extensions from the Applicant to file the Decision and count the days to make sure that we don't run into any constructive grant. Staff is glad that there is a solution, and they put forward the Landscaping Plan. She has no comment about it positive or negative. The Applicant meets the sight lines, and the Assistant Director would like to get this paperwork complete, which will be done after filing two 40B decisions.

Member Baker has no comments.

Member Grove has no comments.

Member Mikami is glad that this was resolved.

Vice Chair Joyce has no comments or questions.

Assistant Director SantucciRozzi explains this is just a MOTION to accept a new Landscaping Plan.

Member Harnais **MOTION** to approve the Minor Modification to accept the new Landscaping Plan into record for the Site Plan Review and Special Permit for Planning Board File #19-04, 144 Allen Street; seconded by Member Mikami; voted 5:0:0.

NEW BUSINESS/OLD BUSINESS

Project Update: File #15-16 - 205 Elm Street – Site Plan Review

Requested by: Riverwalk Development LLC and the Homeowners Association

8:57 PM – Three Planning Board Members and Associate Member William Grove are participating.

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Assistant Director SantucciRozzi explains that the Association and Mr. Clements are going to work together. Planning Staff made a site visit and inventoried all of the landscaping. The reality is that it is about one-third complete. The Applicant probably cannot fit all the remaining landscaping on the site, but he can fit more. The plan is for the developer and Association Members to attend the Planning Board Meeting in March 2020. If they do not attend this meeting, the Assistant Director has drafted a document that mentions we will move action on the bonds, if the Planning Board is comfortable doing so.

NEW BUSINESS/OLD BUSINESS

Request for Minor Modification/Board Action –

File #01-08 – 62 Johnson Lane – Special Permit and Site Plan Review /

Requested By: Messina Commercial Properties

8:58 PM – Three Planning Board Members and Associate Member William Grove are participating.

Assistant Director SantucciRozzi explains this matter is being continued to the March 10, 2020 meeting.

NEW BUSINESS/OLD BUSINESS

Request for Approval of Meeting Minutes: December 10, 2019 and January 14, 2020

8:59 PM – Four Planning Board Members and Associate Member William Grove are participating.

Member Harnais **MOTION** to approve the minutes from the Planning Board Meetings on December 10, 2019 and January 14, 2020; seconded by Member Mikami; voted 4:0:1.

There is a discussion about the process and the history of the Planning Board making recommendations to the Zoning Board. Associate Member Grove addresses the possibility of a voting member could put their opposition statement into the recommendation. Chair Harnais states the Planning Board is concerned with what happens, but the review process was taking up a large amount of Planning Board Meeting time and the recommendations were not even considered nor did some Applicants follow-through in what they promised to the Planning Board. Assistant Director SantucciRozzi mentions, in her community, if you don't get a favorable recommendation from the Planning Board on Zoning Board Petitions, you withdraw because the Planning Board recommendation is respected. Member Joyce asks if this is something we can bring as a point of discussion to the Zoning Board given the climate of concern for development in the Town. Chair Harnais discusses his thoughts on how negative recommendations from the Planning Board should be addressed by the Zoning Board.

Member Harnais **MOTION to adjourn** the meeting; seconded by Member Mikami; voted 5:0:0.

The meeting adjourned at 9:05 PM.

Respectfully submitted,
Louise Quinlan,
Planning/Community Development