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Department of Planning and Community Development

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PLANNING BOARD

Erin V. Joyce, Chair
Darryl Mikami, Clerk
James N. Downey, Member
William J. Grove, Member
Thomas Kent, Alternate Member
Approved 9/14/2021

Braintree Planning Board – May 11, 2021 at 6:00 PM – via ZOOM

Present:

Ms. Erin Joyce, Chair

Mr. Darryl Mikami, Clerk

Mr. James Downey, Member

Mr. William J. Grove, Member

Mr. Thomas Kent, Alternate Member

Melissa SantucciRozzi, Director

Connor Murphy, Zoning Planner

Chair Erin Joyce opens the meeting at 6:01 PM, provides an overview, explains the process to address issues on ZOOM, highlights the Agenda, and explains how to comment during the meeting via Chat, by raising your hand, by email and a phone number is included in the chat. Director SantucciRozzi mentions that this meeting is being “close captioned” as well. The Director also mentions that the chat is no longer available because of inappropriate things being written in the past; however, she recites her number. Chairwoman Joyce then takes attendance via a roll call. Four (4) members (Mikami, Downey, Grove, Joyce) and one alternate member (Thomas Kent) are in attendance. Chair Joyce clarifies that, since we don’t have full membership on the Planning Board, Member Kent can participate and vote in all the public hearings this evening, as a full member. Chair Joyce is jumping down to New Business before our first Public Hearing is scheduled to begin at 6:15PM.

NEW BUSINESS:

May Zoning Board of Appeal Recommendations

6:08 PM – Four Planning Board Members and Alternate Member Thomas Kent are participating.

There are three new Petitions and one continued Petition before the Zoning Board of Appeals for April 2021. The materials related to each of the Zoning Board Petitions scheduled to appear before the Zoning Board of Appeals on Monday, May 24, 2021, can be found on the Zoning Board of Appeals page on the town website. Chair Joyce asks the Zoning Planner, Connor Murphy, to present them in order.

Petition 21-09

50 Burroughs Road

Applicant is appealing the Building Inspector’s determination for the use of the second story of the detached garage.

Staff Recommendation: Staff is of the opinion that the use of the second story of the detached garage is in line with the use of the Single-Family Dwelling. Staff has no objection to the use of the second story of the detached garage. Mr. Murphy pulls up plans as a point of reference. Mr. Murphy advises that the Applicant is not doing any footprint changes; they are really just looking to finish out the space at the top portion of their garage. They are adding basic code requirements to finish the space, and the Building Inspector felt that, for whatever reason, he couldn’t issue a permit for that. Mr. Murphy shares the Building Inspector’s determination, as well.

They are looking to put office space at the top portion of the garage to be able to work from home and have students study in that area. These types of use are in line with a single-family dwelling. They are not look to put a business there. They are appealing the Building Inspector's determination to finish the upstairs portion of the detached garage structure.

Member Mikami asks if the Zoning Planner discussed this with the Building Inspector, Mr. Forsberg. Yes, and once he puts it in writing, it is up to the Zoning Board of Appeals to vote against it. However, Mr. Murphy did have the discussion with Mr. Forsberg, who remained direct on his opinion. Member Mikami, after having seen many of these, suggests having something in writing that states the Applicant can only use it for the purposes described herein.

Member Grove agrees with Member Mikami.

Member Downey asks that the Building Inspector's determination be pulled up; once that occurs, Member Downey notes that the Building Inspector does not have any structural concerns.

Member Kent and Chairwoman Joyce have no further comments or questions.

Member Mikami **MOTION** to go with staff recommendation with the addition that the Applicant provides a letter describing purpose and limitations; seconded by Member Grove; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Petition 21-10
18 Cape Cod Lane

Applicant is constructing a two-story addition to the non-conforming single-family dwelling. The Applicant will be altering and extending the non-conforming rear yard setback. Applicant seeks a finding in terms of relief.

Staff Recommendation: Staff recommends favorable action on the application submitted. Mr. Murphy will pull up the plans.

Member Mikami states this seems pretty straightforward. Mr. Murphy advises that they are going flush with either side of the house. It should line up with the patio towards the rear. Member Mikami has no further questions.

Members Downey and Grove have no comments or questions.

Member Kent asks if there is any abutter concerns or support. Mr. Murphy has reached out to the Applicant to provide abutter support prior to the ZBA meeting. He has not yet received that.

Chairwoman Joyce has no further comments or questions.

Member Downey **MOTION** to supports staff recommendation; seconded by Member Grove; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Petition 21-11
11 Parkside Avenue

Applicant seeks a finding to construct a two-story addition with deck to the rear of the non-conforming single-family dwelling that will alter and extend the non-conforming rear yard setback and side yard setback.

Staff Recommendation: Staff recommends the Zoning Board of Appeals open the Public Hearing and allow for testimony from the Board, Staff, Applicant and Public. Staff recommends the deck be altered to allow for a greater side yard setback than 1 foot. Mr. Murphy pulls up the plans. The plan being viewed is the existing plan; their deck encroaches 3.4 feet into the private way. They are going to demolish that portion of the deck. They propose continuing the existing deck further back to one foot from the side lot line. They are proposing a substantial addition along the other side-yard setback, as well. Obviously, the rear will be impacted, as they will be reducing the setback from 26.65 feet to 25.2 feet.

Member Grove asks about the rear setback. Mr. Murphy clarifies that they are proposing 26.5 and the existing is 26.65. Member Grove clarifies that the second deck is also existing. Mr. Murphy explains that they have to demolish it and reconstruct it. Member Grove asks if they would be giving up their 26.65 setback; Mr. Murphy explains that they will have a finding to demolish it and reconstruct.

Member Mikami likes the Zoning Planner's idea; he feels clearly they are putting on the addition but could make some changes without intensifying it. Member Mikami would support the staff recommendation.

Member Downey has no comments or questions.

Member Kent has no comments or questions.

Chairwoman Joyce asks how the Applicant is on lot coverage. Mr. Murphy states 38% per the surveyor in the table below. Chairwoman Joyce confirms their building coverage is getting close to the 35%. Chairwoman Joyce agrees with staff recommendation.

Member Downey **MOTION** to support staff recommendation; seconded by Member Mikami; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: NO; Member Kent: YES; Chairwoman Joyce: YES).

PUBLIC HEARING

60 Albee Drive – PB File 21-07

Grading Permit

Applicant: Khanh Vo

6:18 PM – Four Planning Board Members and one Alternate Member are participating.

Appearing for the Applicant:

Dan Armstrong, Engineer

Khanh Vo, Applicant

Zoning Planner, Connor Joyce, reads the Public Hearing Notice into record.

Dan Armstrong, from Strong Civil Design, prepared the drawings and is here to represent the Applicant. Chairwoman Joyce asks that the Site Plan be displayed and that Mr. Armstrong provide a brief overview of what is proposed.

Mr. Armstrong explains that currently there is a wooden deck of the back, but otherwise it is undeveloped. The proposal is to build a pool deck and put the pool located behind the existing wooden deck, as shown by the blue and orange hatching on the plan. Adjacent to that, on the west side is a flat grassed area for the kids to play, as well as a depressed area to the north for a seating or fire pit area. The proposed project doesn't

remove any of the existing trees onsite. All of the development was able to be maintained with no tree removal. The existing grades are steep; therefore, a retaining wall was necessary along the back.

The pool deck is proposed to be pervious pavers to reduce imperviousness. The project has gone through Zoning Board of Appeals, as well as Conservation Commission.

Chairwoman Joyce asks for staff comments. Mr. Murphy states we have been working with the Applicant since they started with the Conservation Commission; they were approved by the Zoning Board of Appeals for a Variance for lot coverage. What is here today is a little bit smaller and reconfigured from what the Applicant originally proposed. At this point, staff's concerns have been satisfied. Draft Conditions have been prepared for this application. Some of the site-specific conditions are to have the property boundary and the retaining wall marked by survey with stakes in the ground and some high-visibility paint for viewing. In addition to that, the Applicant has proposed to maintain the landscaping towards the rear, and per their plans they will have protections installed for the trees. One note that staff did ask is for a Zoning Table to be added to the plans prior to endorsement so that we can keep track of lot coverage, as they did receive a Variance.

Member Mikami asks if the pool deck at the same level as the current height of the ground so that in effect you are digging a hole for the pool, so it will be flat relative to the terrain. Mr. Armstrong explains that the grading was done to help balance cut and fills. The elevation of the pool deck is a few feet below the current wood deck. It is basically straight out from the basement level. The main thing was to do cut and fills, and it is an inground pool. Member Mikami confirms that the current deck is staying, and he assumes that there is a fence that you cannot climb over from the current wooden deck. Member Mikami confirms there is both right and left egress coming from the house. Mr. Armstrong confirms that there is a proposed pool fence to go around the outside of the pool, as well. Member Mikami asks if Conservation put any requirements on this project. Mr. Armstrong states they had their basic general requirements, and he explains that they kept the development outside of the 100-foot buffer for them and they also did not remove the trees.

Chairwoman Joyce reminds that this is a Public Hearing and public comment or questions are welcome through the methods mentioned earlier.

Member Downey has no comments or questions.

Member Grove is wondering why the pool deck is 7.5 feet from the lot line on the right-hand side. Mr. Armstrong explains that the retaining wall is 7.5 feet off the property line. Member Grove asks what the setback requirement is. Mr. Armstrong states the pool itself has to be 10 feet, and it is. Member Grove is wondering how the pool deck can be within 7.5 feet. Director SantucciRozzi states it is not a deck; it is the ground; she explains the only requirement is for the pool. Any patio around the pool is not subject to the setbacks unless it was an above-ground pool that has metal decking attached to the pool and attached to the house. Member Grove asks why the decking wasn't swung around to keep it off the property line. Mr. Armstrong explains that it was to get the uses that the Applicant wanted while still staying away from trees. It was the biggest opening in the backyard that was furthest away from trees so that it wouldn't have an impact on the environment as much. Member Grove's concern is the elevation near the property line, as it doesn't do much for their abutter.

Member Kent notes that he lives on Albee Drive, and this property is about five houses down on the other side of the street. However, he does not know the Applicant.

Chairwoman Joyce's only comment is related to the retaining wall construction; she notes that there is a detail that has been provided. Is that the actual wall construction detail, or what sort of wall is it and are there any further design details related to it? Mr. Armstrong advises that it is basically a segmented block wall. There was a thought that it would need enforcement because of the six-foot height, but because it is an in-ground pool, it

is not putting lateral pressures on the wall that you would normally see. Therefore, there was no additional geo-enforcements. It is basically a segmented block wall to go around the outside.

Director SantucciRozzi explains that they will be subject to a Building Permit for that wall.

There are no comments or questions from the public.

The Director notes again that this project did go to both Conservation Commission and Zoning Board of Appeal. There was also a previous application two doors down. People are making investments in their properties. There haven't really been too many question or comments related to these.

Member Mikami **MOTION** to close the Public Hearing; seconded by Member Downey; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Member Mikami **MOTION** to enter correspondence into record through May 7, 2021; seconded by Member Downey; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Chairwoman Joyce asks if the Applicant has had a chance to review Draft Conditions. Mr. Armstrong states he reviewed the Draft Conditions and they all seemed reasonable.

Member Downey **MOTION** to approve the Grading Permit for 60 Albee Drive, subject to conditions; seconded by Member Kent; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

PUBLIC HEARING

349 Liberty Street – PB File 21-06

Grading Permit

Applicant: Ali Akshia

6:40 PM – Four Planning Board Members and one Alternate Member are participating.

Appearing for the Applicant:

Ali Akshia, Applicant

Jed Hannon, Atlantic Coast Engineering

Director SantucciRozzi reads the Public Hearing Notice into record. Chairwoman Joyce asks for the As-Built Plan to be shown. The Director advises that both the Applicant and their Engineer are here to present.

Jed Hannon, Engineer for the Applicant, advises that this is an after the fact Permit request. The Engineer was pulled in by the owner after the fact. The excavation work was done for the pool. The pool was installed, and the fill material was brought in. It wasn't a very pleasant experience, but we are here to support the owner of the property. The Engineer did provide the trucking slips to substantiate the 256 yards of material that was brought in. The calculations to establish that are shown on the site plan, and the contours that were done are shown on the as-built, as well as the size of the existing pool. None of this was done egregiously. It was frankly not known by the homeowner that this was required. It is pretty straight-forward.

Chairwoman Joyce reminds that this is a public hearing, and we will be monitoring questions from the public as questions may arise. She asks the Director to review the work done from staff's perspective.

Director SantucciRozzi states that the Applicant did submit a Building Permit application in September 2020. The first pool had a kidney shape to it and was shown out of the tree line. As you can see by what was actually constructed, the grading extends into the tree line. On the plans with the Building Permit, that wasn't the case.

The Director explains that they had questioned the contractor, Mr. Russell, about the change in grade, and he noted that there would be no change in grade. Then, we were notified by the DPW Director when he saw trucks bringing in large volumes of fill to the property. The "Stop Work" Order was issued on October 14, 2020. Jed Hannon, the Applicant's Engineer, did provide the slips from the material, which was purchased. The fill was brought in over the course of a few days, and we finally engaged the Applicant to file this permit. It was unfortunate. The Applicant knows us, as he has tried to subdivide the property in the past. The Director is a little surprised that they kept going after they got the Stop Work Order. We have also provided for the Board an evolution of this lot over the last ten years. The applicant has made an investment in the property and the dwelling, and we commend him for that. But this investment has come with a lot of additional pavement and tree removal. The Director realizes that some Board Members will not be happy that the Applicant continue to undertake this work after getting the Stop Work Order. If the Board is inclined to allow this grading to stay and for the pool to not be removed, we need to talk about some type of revegetation plan. This was included in the Staff Report that was provided to the Applicant. The grading was appropriate; the location of the pool was appropriate. These lots on Liberty Street grade down to the intersection of Helen and Doris Roads. We want to make sure the Applicant is aware of the pool discharge requirements in this community and he is respectful of that. The Building Inspector is not objecting to the issuance of the Permit. However, when you get a "Stop Work" Order you stop working and clear up the situation with the Town.

The Applicant, Ali Akshia, wants to clarify that once they received the Stop Work Order, they did stop work. Everything was done before the Stop Work Order was received.

Member Mikami would like to ask the Applicant directly, given that you had experience with the Planning Board, why did you proceed directly with the project work, which you likely knew required a permit. The Applicant explains that the contractor for the pool said he would take care of all the permits, so the Applicant put their faith in the contractor and trusted him with construction of the pool. Member Mikami has heard that before and feels it is a weak argument. Member Mikami feels that contractors should know better, and that type of contractor should have a moratorium on doing work in Braintree. This is something that Member Mikami will bring up with the Mayor, as this happens too often. Member Mikami feels that the Applicant should have at least asked what they needed to do to protect themselves. Member Mikami asks the Director what options we have here, as most of the work has been done.

Director SantucciRozzi states we regulate cuts and fills over two feet. They have filled in excess of two feet. They imported 256 cubic yards of fill, and anything over 150 is permitted. They are not over the disturbed area. If the Board did not approve this permit, they would need to remove 156 cubic yards of material, and any change in grade that exceeds two feet would need to be restored to no more than 23.99-> inches. You can do minor grading without the grading permit, but this has gone over that. We have worked with people that do not want to go through the permitting to bring the work into compliance under the threshold requiring a Grading Permit. The Director advises that Mr. Hannon, the engineer, did a really nice job on the cross-sections which provide a lot of perspective. Unfortunately, the deepest part of the fill is around the actual pool. If you look at the plan, you see an 88-foot contour circling around the kidney-shaped pool. This is the deepest portion. If that material is removed, they would need to take 2.8 feet out around the pool, which would essentially result in the pool being half in ground and half above ground. The Director doesn't think that is an option and doesn't think this would be a good look. She is not sure the pool could remain.

Member Mikami wants to confirm with the Applicant and the Engineer that this is an option. The Engineer confirms that they understand this. Mr. Hannon states they would certainly be willing to do some mitigation to offset that a permit was not applied for and they exceeded the amount of fill allowed to be brought in without a

permit. The Applicant is willing to work with the Planning Board to respect the rules. Member Mikami would be interested in hearing the ideas for mitigation. Member Mikami feels we have to do something about unpermitted work because someone is going to get hurt one day.

Member Downey asks the Director about the comment from the Contractor, J. Russell, who said there was no change in grade. The Director explains that the plans submitted with the Building Permit are not that clear, but the contractor was inside of the tree line. They made more level area and they went back further, so that is what necessitated this. If they followed the plan they used for the Building Department, they probably would have been okay. It is a combination of mistakes: not vetting it properly, not being honest in responses, and not following the plot plan. Member Downey asks what recourse we have against the Contractor so it doesn't happen again and to hold people accountable. The Director explains that the Building Department has fining capabilities if the Applicant continues to work. The Planning Board does not have fining capabilities, as there was no permit. The biggest void here is vegetation removal, and that was what the Director was trying to re-establish. If there is comfort from the Board Members allowing this to remain, then we need to talk about how do we mitigate to allow what was done without the benefit of any review. When we review, we provide recommendations. The Director doesn't know why it was pushed back so far. Member Downey asks if we know for sure that there was no work done after the Stop Work Order was issued. The Director cannot answer that question, but it looks like all the fill was delivered on October 8th, and the Stop Work was issued on October 14. The DPW Director saw the material being brought in. The Director cannot determine whether all the work was done in six days prior to the Stop Work Order on October 14. The Applicant, Ali Akshia, clarifies that there is no concrete on the pool yet. It is just grading.

Member Grove asks the Applicant if he knows why the contractor deviated from the original plan. Mr. Akshia thinks possibly the pipe that goes from the house to the pool might have changed the plan a little bit, but he is not really sure. Member Grove thinks that the Director and the Building Inspector need to find out why the contractor deviated from the plan. If he hit bedrock, it is cheaper to add fill than blow bedrock. Member Grove suggests talking with the Building Inspector and apply some calculation for deviation from the plan. The Director explains that Planning Staff is not injected into the Building Department process unless the Building Inspector issues a Stop Work Order and refers the Applicant to the Planning Department for a resolution.

Member Kent states it seems that there is almost 19 feet between the corner of the deck and the pool. Had that been closer to the deck or the front of the property, it wouldn't have been such an issue. Member Kent wonders if there was ledge or something that stopped the contractor from digging it as planned. It seems unfortunate.

The Director asks Mr. Hannon to span to the cross-sections, and she explains that the lot was sloping. She doesn't think it is a ledge situation. Mr. Hannon explains that the red lines represent the fill. Mr. Hannon states there was no real ledge encountered. It is unfortunate that a proper engineering plan wasn't done at the beginning of the process. Mr. Hannon would like to come up with a vegetation plan to offset what was done. Member Kent refers to a plan that reflected a retaining wall that they looked at earlier this evening. Would that have been viable here? Mr. Hannon states it is a six-foot vertical drop over 35 feet. A retaining wall could have been done. Mr. Hannon states the contractor did what he could to grade it out gradually. Mr. Hannon states, if it is amenable to the Board, they would like to propose a mitigation plan of plantings to offset the fill that was brought in. Member Kent would be curious about the cost of a retaining wall vs. the cost of extra fill. Director SantucciRozzi clarifies if the wall was over two feet, closer to the pool, he would have needed a Grading Permit for that, as well.

Chairwoman Joyce had a couple of questions on the mapping provided by the Applicant. It is labeled an As-Built Grading Plan. Has there been a land survey prepared by a Land Surveyor? The Applicant states "yes". Chairwoman Joyce asks if the datum will be updated for the contouring. Mr. Hannon states they certainly can. The Chairwoman notes the driveway on the plan that goes over to 363 and asks if that has any sort of access

agreement or easement. Mr. Hannon cannot speak to the deed. The property owner, Mr. Akshia, states they have the right to drive through to their driveway. Chairwoman Joyce asks for that notation to be added to the plan with any legal description. She also would like the plan stamped by both the engineer and the surveyor. Mr. Hannon agrees to both.

Chairwoman Joyce shares a similar sentiment as the other Board Members with regards to after-the-fact grading permit issuance. She does also sympathize with owners who don't do this for a profession and don't understand all of the requirements for a Grading Permit. The Chairwoman thinks she would lead towards some sort of mitigation in the form of plantings to allow the pool to stay without having to reconstruct it. It is a challenging position for the Planning Board to be in, and we don't want people to think that it is easier to get approval after the fact from our Board. With that being said, we can talk about what that mitigation might look like. The only other thing she wanted to ask was about the note near the pool that says "five-foot patio". Mr. Hannon states his surveyor and CAD guy drew the plan, and he asks Mr. Akshia to respond. Mr. Hannon states it should have been depicted better with a hatch pattern. Mr. Akshia states that is the concrete that is supposed to be around the pool that is not there yet. Mr. Hannon confirms a five-foot width walkway. Mr. Hannon state they will get it cleared up so that it depicted better on the plan. Chairwoman Joyce asks if there are any plans for additional walkway or patios going down to the pool. Mr. Akshia states it is just going to be grass.

Chairwoman Joyce is not seeing anyone from the public ready to comment.

Member Mikami states obviously this is the first time we have been exposed to this project and reviewed it extensively, and he recommends we continue this hearing to hear the specific plan of mitigation by the Applicant. At first glance, this project is troubling to Member Mikami in many different ways, but he would be willing to consider some compromise in terms of mitigation. He would also like to make sure that all the details that we have been chatting about be cleared up. We should have all the details addressed and a potential plan of mitigation.

Member Downey agrees with that plan. This is what the Planning Board does, and when residents don't come before the Planning Board appropriately, we need to take that very seriously.

Members Grove and Kent agree with that approach.

Chairwoman Joyce concludes that the Board would like the Applicant to prepare a revised plan with proposed mitigation, showing all proposed work inclusive of any proposed patios and grading. The Director explains that we have a few hearings for the June Meeting, and because of the due date for revised material and the time needed for review, we are looking at the July 13 Meeting. She would like to meet on the site with the Landscape Architect. We already have five items for the June Meeting.

Member Mikami **MOTION** to continue this hearing to the July 13 Meeting at 6:15 PM; seconded by Member Downey; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

PUBLIC HEARING

345 Liberty Street – PB File 21-08

Grading Permit

Applicant: Mento Corporation

7:20 PM – Four Planning Board Members and one Alternate Member are participating.

**Appearing for the Applicant:
Attorney Carl Johnson**

Chi Man, Engineer
John Mento, Applicant

Director SantucciRozzi reads the Legal Notice into record.

Chi Man, Engineer for the Applicant, asks to share the screen; Mr. Man explains that Attorney Carl Johnson is here on behalf of the Applicant and can answer any legal issues. Mr. Man explains that the project is pretty straight-forward. This is a vacant lot that was subdivided from the adjoining lot at 337 Liberty some time ago. Mento Corporation purchased the property and is proposing a single-family dwelling. The grading on the site is running from the northeast corner sloping towards the southwest. Mr. Man highlights the contours shown on the plan. He explains that the proposed building will be at the middle of the lot, and they are proposing a retaining wall to elevate the grade. They will have a sloped driveway to get into the garage. They will have a somewhat level backyard for the future homeowner to enjoy. The finished grade and the garage grade are pretty close to the existing grade to balance the work and not have to bring in additional fill. This is a fill site with a net of 306 cubic yards of fill. They are proposing a retaining wall to raise the grade to accommodate a more level backyard. With the building, we are going to be increasing the pervious surface of the site. We are proposing an infiltration system, which is going to capture all the roof drain and the driveway runoff; they are proposing a French trench with crushed stone to catch all the driveway runoff. It is going into a Cultec 330 Unit System. The drainage system will be mitigating the 2, 10, 25 and 100-year storm. With the system, they are decreasing the peak rate of runoff. They have reviewed the Draft Conditions prepared by the Planning Staff. It looks pretty standard, and the Applicant is happy with the conditions. Mr. Man is open to any comments or questions.

Attorney Carl Johnson represents the Mento Corporation in this Grading Permit Application. Attorney Johnson appreciates Chi Man's presentation. This lot is consistent of everything to the side of the driftway. There is a lot of material being put in. Attorney Johnson reviews all the materials that was submitted with the Application, which included a Memorandum on sight lines for the new driveway location. There was a document confirming that the lot was protected by Chapter 40A, Section 6, as a pre-existing, non-conforming premises. We reviewed all of this with staff before this was submitted. Staff made recommendations, which were all incorporated into the Plan. The Town of Braintree is an abutter on both sides and in the rear. They have submitted a petition signed by neighbors on Liberty Street who are in support of this Application. A good deal of time was spent discussing a retaining wall and some of the other items that will be incorporated. The Applicant intends to submit a detailed Landscape Plan, which is mentioned in the Draft Conditions and Staff Report. The configuration of the property deeply supported what they have designed. In the fill is a Cultec Chamber System, which will handle both stormwater and runoff from the driveway. Attorney Johnson has reviewed the Staff Report and Draft Conditions, and they are able to answer any questions the Board may have.

Member Mikami doesn't see a garage attached to the proposed residence, so he assumes that the garage is the rectangle shown. Member Mikami asks if the curb cut is already there. It is a new curb cut, and at the request of staff there was a technical memorandum submitted that measured the site distance and found that the site distance was adequate for the speed of cars on Liberty Street. Member Mikami asks if the homeowner will have to do any maintenance on the Cultec system. Mr. Man explains that because it is buried underground it typically does not need much maintenance. It may require inspection once or twice a year to make sure the system is not clogged. The trench drain will probably need more maintenance. It needs to be cleaned out, possibly twice a year. Mr. Man explains that, per the Draft Conditions, we are supposed to provide an Operations and Maintenance Plan.

Member Downey has no questions or comments.

Member Grove confirms with Attorney Johnson that this is a protected non-conforming lot due to lot size. Attorney Johnson clarifies that this area is known as Buker's Corner, and the Buker Family has owned much of the property in the area. It has been since Colonial period. Attorney Johnson provides a brief history of the property and the protection of the property as a non-conforming lot.

Member Kent states, with respect to the driveway that currently is accessing the abutting property at 337 Liberty, would that remain as an easement? Attorney Johnson states it should say on the plan "to be removed". It will be relocated into the driftway and then turnover. It will not be located on the property.

Chairwoman Joyce would like to add on to the comment regarding the driveway relocation. There is a significant tree on the property line and driftway, and she is thinking the relocation of the driveway should be shown as part of this plan, as it is impactful as part of the construction of this lot. Attorney Johnson's only comment is we discussed confining the plan to the lot. Attorney Johnson refers to 337 Liberty being parallel to the street and the driftway being angular. Attorney Johnson states that when they apply for a driveway permit, they will make sure that a plan is submitted. They don't have the ability to dictate what will happen on the neighboring property. Chairwoman Joyce would have a concern if for any reason it wasn't possible to construct a driveway, thinking you can, there could be an issue of her accessing her driveway. Attorney Johnson states Chris Trudel, Engineering Manager at DPW, stated that we would be working with him on the relocation of the driveway and sight-line distances. As you know, Liberty Street is the oldest street in town and it curves and undulates for its entire length. Chairwoman Joyce asks, as part of the work, if that driveway is relocated, would you be resetting granite curb on Liberty to close up that curb opening. Attorney Johnson replies, if it is curbed, they will have to install curbing. The Applicant also owns a paving company. Chairwoman Joyce asks the Director if that would be part of the work required. The Director reviews her draft conditions, and where there is mention of curbing, she will add wording that refers to the removal of the existing driveway. The Director confirms that the Engineering Department was in tuned to this, as well, and 337 Liberty is going to have a tough time determining where to put a driveway. Once you get to the other side of the lot, it is very wooded. The only time the Planning Board and Planning Department is involved with curb cuts is with a Definitive Subdivision. Chairwoman Joyce asks if there was any consideration of using the existing driveway to maintain that curb cut between the two properties.

Attorney Johnson explains that this is a revision. The previous plan had the house more to the southerly border, where the driveway is now. It became difficult, as there were some grading issues that prevented that. This new plan works the best. If they have to replant some trees, so be it. Attorney Johnson believes that there might be ledge on a portion of the lot of 337 Liberty. Attorney Johnson doesn't want to commit to something other than they are going to work with DPW on the driveway location. Chairwoman Joyce points out that there is a significant tree at the lot line, right at the sidewalk; with the construction of the driveway, she is wondering if that will be impacted. Attorney Johnson explains that it is not shown on the existing plan, but they could show it. Attorney Johnson asks if it is in the drift-way. Chairwoman Joyce explains that it is between 345 and 349 Liberty, where the new driveway is going in. Chairwoman Joyce asks if the Applicant anticipates any ledge removal as part of this project. Attorney Johnson states they haven't done any test pits, but this is a fill. There is a retaining wall in the back. One of the conditions are that staff has recommended a lot more landscaping in the back. Attorney Johnson doesn't think there is any ledge. Chi Man, Engineer, doesn't believe they will be encountering much ledge. It is really only a couple feet of cut to the slab grade. Chairwoman Joyce asks if there are any special conditions if the Applicant does need to do ledge removal. The Director advises that they can chip away if they need to. If they blast, that is under the Fire Department's jurisdiction. Chairwoman Joyce's other comment is that the stabilized construction entrance isn't on the sidewalk, it is on your property. Mr. Man states they will push it back beyond the sidewalk.

Ali Akshia, 349 Liberty Street, has the same concern about the big tree, and he was wondering if he could learn the information when that is known. The Director explains that the Hardy/Man Plan does a pretty good job of showing the larger trees on this property. Unfortunately, Mr. Akshia's plan doesn't show any trees. So, it

is not really clear where that tree stands. The Director clarifies that the house at 349 Liberty is about 26 feet off of the common boundary. Chairwoman Joyce would expect the tree to be pretty close to the property line, possibly on 349 Liberty's property. The grading work and wall work within the dripline of the tree could impact that tree. It needs to be better understood, especially if the tree is not on the Applicant's property.

The Director suggests that the driveway entrance needs to be shifted to the north to dodge the tree, or if the driveway could be more "T" shaped rather than "L" shaped. Attorney Johnson thinks the driveway could make a little different swing, and he advises that they will take a look at what is actually on the property. They will keep the driveway on that side, but may alter the location a little bit. Director SantucciRozzi confirms that what she has heard from the Board is that we want to make sure the tree stays. She states most of the items in the Staff Report relate to the replanting plan and the landscaping plan. It was not submitted with the Application. John Mento is not here with us this evening, but members of this Board have worked with him in the past on several applications, and the Director has worked with him for a long time. Luckily, he is also a Landscaping Contractor. Knowing Mr. Mento and their capabilities, the Director doesn't have a problem if the Board wants to move forward this evening. The Director will work with Mr. Mento on a revegetation plan and a landscaping plan, they will figure out this issue with the tree and they will get the plan tightening up before any decision is filed. The Director advises if she cannot reach a common ground with Mr. Mento related to the landscaping, he will need to return to the Board. The Director advises that Mr. Mento has a good record of working with the town on prior projects.

Chairwoman Joyce is a little hesitant to move forward this evening because she feels there is the possibility that the driveway layout could change. She wonders to what extent is a driveway change within the realm of what the Planning Board approves. The Director explains, if you look at the driveway and the grades under the driveway, if they shift the driveway, they will probably do a little less grading. She thinks the revisions to the driveway will be the part between Elevation 113 and Elevation 115. If they shift the whole thing over, and we look at the area in front of the garage, there would probably be less fill. The only things the Director would feel comfortable allowing beyond this vote are augmenting the entrance to the driveway, shifting it over and the landscaping plan. If they start moving the house, then they would need to come back. Chairwoman Joyce asks if we were going to include something about the abutting tree in the conditions. The Director would like to figure out the tree and the driveway and the landscaping so it wouldn't need to be in the Draft Conditions. The Director would have something about protection related to the tree remaining. Mr. Man explains that there is a big gap between the tree and the utility pole, and he states they could definitely fit the driveway in without damaging the tree. Mr. Man explains that the Existing Conditions Survey was done by Hoyt Land Surveyors, and he has very good faith in them. If this tree was within the property, it would have been shown. Attorney Johnson states the driveway was moved from the right side of the building to the left so that it did not involve more grading. The only way to ensure the safety of an offsite tree is to locate it on the plan and work with the Planning Department, as they have done so, and develop a landscaping plan. The whole idea is to revegetate as much as possible to add to the permeability of the site. Attorney Johnson is confident that they can continue to work on the driveway situation with 337 Liberty as well as to protect this significant tree. Attorney Johnson feels that the conditions are enough because it calls for final landscaping plans being approved by the department prior to a decision being filed.

Chairwoman Joyce asks if Planning Board Members have any further questions. Member Kent asks if this tree is healthy. Chairwoman Joyce thinks this should be part of the analysis. Chairwoman Joyce does not see any comments from the public.

Member Kent **MOTION** to close the Public Hearing; seconded by Member Downey; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Member Downey **MOTION** to enter correspondence into record through May 8, 2021; seconded by Member Kent; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Member Downey **MOTION** to approve the Grading Permit for PB File #21-08, 345 Liberty Street, subject to conditions; seconded by Member Kent; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Director SantucciRozzi states she will be doing a site visit with Mr. Mento and his team, and she will circulate the revised plans when they are received.

Chairwoman Joyce requests a two-minute break.

CONTINUED PUBLIC HEARING

345 Grove Street – PB File #21-01

Special Permit(s) and Site Plan Review

Applicant: Liden Corporation

8:25 PM – Four Planning Board Members and one Alternate Member are participating.

Appearing for the Applicant:

Olga Lidenko, Applicant

Brad McKenzie, McKenzie Engineering Group

Ron Muller, Ron Muller Associates – Traffic Engineer

Barry Crimmins, Platinum Partners

Jeff Komrower, Sound Engineer

Chairwoman Joyce requests that the Applicant's team be introduced, and then they provide an update on what has occurred since the last meeting.

Brad McKenzie, Engineer, introduces the participants for the Applicant, and he explains how they will be proceeding explaining what each participant will be addressing. Mr. McKenzie will explain that he will review the plan changes. Ron Muller will talk about traffic related topics as well as queuing. Olga is going to talk about the Operations Memo that she submitted along with the plans and revised drainage calculations on April 22 with a follow-up submittal April 29 with a minor drainage revision.

Mr. McKenzie explains that they did respond to the second Staff Report on April 22. They summarized their plan revisions. They made some changes to the plans and eliminated work within the ten-foot buffer to the residential area. Mr. McKenzie highlights where the fence was relocated. They have a proposed two-foot high concrete wall with an eight-foot high white vinyl fence on top. That is basically for noise attenuation. Jeff Komrower will talk about that. The parking was reconfigured; they eliminated one vacuum to provide a better bypass and ensure better site circulation. The team has discussed eliminating the last vacuum to eliminate the concern for cars exiting the car wash having to back up to use the vacuum. They have eliminated the dumpster so that there will be a roll-away dumpster that will be used to empty trash on the site on a daily basis, but without vacuums Mr. McKenzie doesn't think there will be much trash to empty. Ms. Lidenko will speak to the waste management, as well as the site lighting, the landscaping and general operations and staffing of the project. One of the other changes that was made was to the stormwater system. The underlying soils are NRCS, C and D – not very permeable soils. Generally, when the USDA conducted their soil surveys, they evaluate the top 60 inches of soil horizons to evaluate permeability – the A being the most permeable and D being the least – essentially a wetland. In this case, they did use D soil for their predevelopment and post-development hydrologic evaluation. Originally, they were using an A rate of 8.27 for the subsurface system; the

reason they were using an A rate for the infiltration model is that they are proposing to install the bottom of a stone layer down to a parent C2 layer, which is greater than 60 inches. There is a note on the plan that calls out for the system to be over excavated. It will be built back up with conforming sand, according to the requirements. This would possess an A hydrologic group qualification. The Cape Cod berm notation has been removed and the project now involves granite curbing. Now the entire site has been modified to be granite curbing. Mr. McKenzie points out where they are encroaching within the ten-foot landscape buffer, and he states that they are asking for a waiver.

Mr. McKenzie advises that Ms. Lidenko will present a much more extensive landscaping plan for the buffer, as well as the area that is within the state highway layout. They have approached MassDOT about the Applicant's ability to enhance that area. It was well-received by them, and subsequent to the issuance of local permits, the MassDOT application for curb cut will be filed. In connection with that permit would be the landscaping that MassDOT would approve. Mr. McKenzie explains that is the extent of the modifications made to the civil plan. Mr. McKenzie explains that next Ron Muller will talk about the results of his analysis.

Ron Muller, Traffic Engineer, explains that at the last Planning Board Meeting in February there were a number of concerns by Board Members, as well as staff, about site access, site circulation and queuing. The Board has asked the Applicant to provide more detail on this, so they have done that. They have obtained transaction data for the entire year at the Whitman Site, and they have done detailed que observation at that site. There are some very good similarities between the Whitman Site and the Braintree Site, which Mr. Muller highlights (located at corner of major signalized intersection with similar volumes; two car wash bays; operated by applicant). Mr. Muller then highlights the differences between the sites (7 cars in queues in Braintree vs. 4 in Whitman; no other car washes nearby to Whitman site with 3 near Braintree site; no vacuums in Braintree vs. two vacuums in Whitman). Mr. Muller highlights Peak Day Average Hourly Volumes by Season for the Whitman Site, with Winter and Spring seasons being the higher volume seasons due to weather and pollen. It shows that peaks of the car wash do not coincide with adjacent street peaks. (i.e. typically, mid-day and Friday through Sunday). Mr. Muller discusses the volume at the Whitman site on a specific day in February after bad weather. They also looked at Peak Hourly Volumes by Season and found that for only 3.3% of the time in one year the queue could be longer than 3 cars per bay. Mr. Muller highlights a number of conclusions including: that the Braintree site could accommodate 4 cars in queue in one bay and 3 cars in queue at the other bay; applicant knows in advance which days will be busy because of weather; on busy days, an attendant will be present on site to turn away customers to avoid spill onto Liberty Street; they assume ATM use at same site had higher number of cars in queues. Mr. Muller highlights that directional line striping could be added to guide customers to specific bays onsite. This would allow them to get four cars in queue in each of those lanes. This goes in line with staff comment about reducing the width of the driveway; the driveway width is existing and is not changing on this plan. If we reduce the driveway width further, it would not allow a bypass of the queue lanes. With that comment, 8 cars can be accommodated at the Braintree site, where only 4 cars can be accommodated at the Whitman site.

Mr. Muller did submit a letter to staff today to respond to the outstanding traffic comments. Mr. Muller advises that there were three issues raised. One was why were counts conducted during pandemic not used for any analysis. The counts, contrary to a typical traffic study which isn't required for this project because it is well below the thresholds that could require such a study, were never used for any traffic analysis. Other-wise the Applicant would have made those adjustments. Those counts were only to collect vehicle speed data, which they then used to determine the minimum sight distance requirement. The second question from staff was related to the methodology of the sight distance criteria. Mr. Muller provided an explanation as to what the minimum requirements are. In the original study, the Applicant based those requirements on the posted speed limit, which is actually higher than the observed speeds. So, it is reasonable to assume that speeds are lower in this area because of the influence of the traffic signal. If they use the actual 85th percentile speeds, then they exceed both minimum and desired sight distances. Finally, staff recommended that the Applicant provide gap analysis on Grove Street to document that ample gaps are available. The Applicant has done that analysis, which shows that during the peak hours there are 123 gaps of six seconds or greater in the traffic screen on

Grove Street. They are projecting 15 cars to exit the site; so clearly there are adequate gaps. The Applicant has proposed and will continue to propose prohibiting left turns out of the site during that critical PM peak hour. There would be a sign posted prohibiting a left turn Monday through Friday, 4:00 PM to 6:00 PM.

Jeff Komrower, Sound Engineer, asks if the Board and staff has his report or should he share his screen. The Director clarifies that she believes the material was included in the binder provide, but states any material you want to share is more than welcome.

Mr. Komrower shares the report and will go through it. He explains that he was asked by Liden Corporation to do sound predictions for the car wash. The first thing he wanted to do was to determine what the actual source levels were. Because the proposed structure in Braintree is going to be about the same as the Whitman site, Mr. Komrower used the Whitman site to take actual data for actual source measurements. Mr. Komrower highlights the various Sound Level Limits for specific Land Use Categories. They took measurement at the Whitman site at what would be considered the worse condition, which is with the dryers operating at the end of the cycle. The noise levels that would be closest to the property lines in Braintree would be 81 and 82 dB(A). Those were the noise levels used as the source levels for Mr. Komrower's predictions. Mr. Komrower took the site plan and fencing location; then, he made a series of predictions. He used a number of ISO standard calculations. From an attenuation point of view, from the source to the receiver, typically, if you have just normal spreading of sound without reflections off buildings, you will lose about 3 dB for doubling of distance. Mr. Komrower explains that if you look at the way the site is being proposed in Braintree, the noise levels would be 81 dB(A) at the entrance and 82 dB(A) at the exit. These are the areas closest to the property on Liberty Street. Mr. Komrower highlights a chart showing Noise Level per 1/3 Octave Band and explains how the predictions were calculated based on doors being closed, an assumed height of 2.5 meters for source, with a series of barriers for the fencing. He predicted at the property line for the entrance and exit locations and explains how these calculations were made. The prediction for noise levels at the nearest residential abutter show that the noise level would be below 50 dB(A). Based on Mr. Komrower's predictions, it looks like the proposed car wash would meet the Braintree requirements for noise levels.

Member Grove asks if any of the residential structures are within line or sight of the doors so that there would be no assistance by the barrier wall. Mr. Komrower replies, based on the location of the barrier in relation to the building, the window on the second floor of that structure would still be in the shadow of that barrier. There should not be an impact. Member Grove was concerned about any line-of-site to that window.

Member Kent is curious as to how wind affects these predictions, both direction and velocity. Mr. Komrower states environmental effects do affect how sound travels. It is hard to pinpoint it, but typically it is not going to make more than a 2 or 3 dB difference.

Chairwoman Joyce confirms that was the last presenter from the Applicant level. Mr. McKenzie states that the Applicant, Olga Lidenko would like to summarize her Operations Memo.

Olga Lidenko, who is an officer of Liden Corporation, will cover a number of items in her presentation to provide some clarification regarding details of the building, lighting, landscaping and daily operations. Her presentation will touch upon the projected number of transactions, as well as queueing and staffing. They are proposing a light-based masonry block building. The building height is going to be 24 feet. It will consist of two carwash bays with one equipment room in the middle. The interior bay lighting will be provided during dark hours, and will shut down when the car wash is closed. The exterior lighting will be provided by the five wall-pack LED lights mounted under the roof on the entrance to the building, and the same five wall-packs will be on the exits of the building. All the lights will be downward facing and will be shutdown when the carwash is closed. In addition, they are proposing two LED directional lights mounted on the corner of the landscape islands, facing upwards and providing lighting on the fronts of the building wall toward signage. This lighting will be softly lit during the night. Security lighting during the night is proposed featuring low wattage down-ward

facing lights on the light pole in the corner. Ms. Lidenko explains that the daily operations proposed are 7:00 AM to 9:00 PM Monday through Saturday and 8:00 AM to 8:00 PM on Sunday.

Ms. Lidenko states that cleaning is an important aspect of the car wash, and it is an important pillar of the service the Applicant is providing. The attendant will be responsible for cleaning both bays and the exterior three times per day (at opening in the morning; in the afternoon; at the close in the evening).

Ms. Lidenko states that trash removal was discussed by Mr. McKenzie. She confirms that they eliminated the dumpster, and she doesn't expect much trash now that they are proposing to eliminate both vacuums. The trash tote will be stored inside the equipment room. The curbside trash pickup will be established with the local trash company. An important element of the operation is video surveillance to ensure the 24/7 control of the operation. There will be at least 8 security cameras to be installed to monitor each of the bays, the equipment room, entrance and exit of the building as well as the aisles on both sides of the building. Another important aspect of the business is the ability for the customers to reach out during all business hours. That will be provided through the phone number that will be available on the menus on the tellers, within the bays, on the door to the equipment room, etc. The operator will be trained to provide answers to any customer queries.

Ms. Lidenko continues her presentation related to landscaping. She advises that the Landscape Architect that was retained for the project made substantial changes to the plan. They added the landscaped islands to the left of the entrance. They also extended the landscaping into the DOT owned portion of the property. They expanded the variety of the species that are proposed on the landscaping plan. They tried to follow the Braintree Bylaw recommendations in terms of preserving existing trees and giving preference to draught tolerant plants.

Ms. Lidenko discusses the different car wash types. She advises that there are many different types, which are very different in terms of the washing experience, the service model, the time per car wash, the number of cars served per hour, the size of the car wash facility, customer demand, staffing. Ms. Lidenko feels that most people are familiar with the manual car washes, where you self-wash your car with the water provided. There are "tunnel" car washes where your car gets on the rails and your car is drawn through a long tunnel. Those car washes are in Braintree. The interesting distinction of the tunnel vs. the in-bay automatic, which the Applicant is proposing, is that the tunnels usually require a significant amount of real estate to locate the operation, while this is not the case for the in-bay automatic. The full definition for the in-bay automatic from the Car Wash Advisory is that they are typically non-attendant, which the customer pulls into a location and the equipment moves around the car to perform the wash. The customer remains inside the vehicle during this type of wash. Ms. Lidenko provides a couple of pictures showing this configuration. The in-bay automatic provides the best customer experience compared to all other car wash types. The in-bay automatic is good for the smaller lots and require significantly less real estate than the tunnels. They were designed for small lots in urban communities. They are convenient. It is a quick in and out washing experience. They are considered to be a commodity. This is the only option that offers a "touch free" car wash. The equipment is designed and manufactured in the USA since 1984, and they are a very reputable and leading provider in the market. Both customers and the Town of Whitman has provided positive feedback, and the Applicant is considered to be an A+ business in the community with a very well maintained and efficient operation. The last couple of slides that Ms. Lidenko highlights provide a little more insight into the topic of great importance and that has been discussed extensively during the last hearing and earlier today – that is the projected transactions as well as additional facts behind queueing. There were a lot of questions from Planning Board and Staff, and the Applicant collected an extensive set of data to demonstrate volume and transactions based upon the Whitman operation, as well as based on data they collected from two other car washes. They contacted the owners of two operations with exactly the same setup that are running on very similar sized lots north and west of Boston. All the data from those two car washes, as well as Whitman, is very consistent. In summary, the slides show the peak hours as an annual average across all days. Peak hours are 11:00 AM to 4:00 PM daily. The expected number of daily transactions will be in the range of 65 to 75 cars. This is based on data from both the

Whitman car wash and two other car washes. Peak Seasons are winter, because of snow storms, and spring, because of pollen. Peak days are Friday through Sunday, which represent over 50% of transactions. Further detail is provided related to Peaks by Season. Fall is the least busy season.

Ms. Lidenko wants to point out that they understand that queue size and queue management is of the utmost importance for the town, for members of the public and therefore for the applicant. It is really critical. The Applicant performed a Projected Queue Analysis, and although they have peak days, it is highly predictable. In fact, all the peaks with extreme traffic happened on the weekends. The Applicant knows exactly when to expect the peak days. For 87% of the year, they expect very little or no queue. It is easy to misinterpret the peak days and assume the whole day is a peak, which is not the case. Usually, there is one or two hours of extreme peak, which represents 27% of the hours in the calendar year with an excessive queue. To make sure the Applicant can guarantee there is no spill from the queue onto Liberty Street and no issues with traffic circulation, the plan is to staff the car wash with a part-time attendant. The attendant will be onsite during those peak hours/days, regardless of the weather, to make sure we have a guarantee of the operation running smoothly. This is a very unusual scenario in the car wash industry because this specific type of car wash, the in-bay automatic concept, is designed to operate unattended. However, we are providing the attendant to provide for a good, efficient operation. During other times of the day, the attendant will be within a 15-minute drive from the car wash. Ms. Lidenko highlights photos that show minimal or no queue, and she states that 87% of the time there is minimal queuing.

Lastly, to complete Ms. Lidenko's presentation, she would like to touch upon the demand and peak demand. Ms. Lidenko gives a lot of credit to Mr. Moore for traveling to Whitman to observe the operation and collect the findings. Ms. Lidenko agrees that the site in Braintree is tight. They did compare the site in Braintree with the Whitman operation a number of times. However, she would like to point out why it is really not comparable in regards to the queuing. In highlighting the Site Plan for the Whitman operation, when three cars are queued up on the lot, they do spill on the road. If they were to build the site in Whitman today, they would have done a different lay-out. In Braintree, they actually addressed a lot of areas they did not know about when they constructed the Whitman site. The queuing space is significantly larger in Braintree. The terminals are located at the edge of the concrete pad in Whitman, which creates a waste of space of between 8 and 10 feet. All of those inefficiencies were addressed in the Braintree plan. The terminals will be located significantly closer to the building to enable better queuing. Another difference between Whitman and Braintree is demand. In Whitman, the Applicant is the only car wash in town and for some of the surrounding towns. The Whitman car wash is located on a major route (Route 18). While in Braintree, they are not on any major route, and they are expecting to service primarily Braintree residents. In Braintree, the Applicant is proposing the attendant. In Whitman, there is space for two cars, and in Braintree there is space for 7-8 cars, which is almost double. This should meet the excessive demand, if one arises. In conclusion, Ms. Lidenko understands that this is a tight project and there are a lot of considerations, but she is proud that the customers in Whitman, the residents and the Town of Whitman have been providing her with only positive feedback. She hopes this is an important consideration for Braintree, as well.

Kelly Moore, resident at 46 Hollis Avenue, explains his primary concern is not at all the color of the building, the lighting, the sound or even the landscaping, which have nothing to do with the major issue at hand, which is the safety of the location for this project. It is absolutely the wrong project for the wrong location. Obviously, the Applicant has seen Mr. Moore's pictures and has reacted. However, the Applicant also appears to think that Liberty and Grove Streets are not major streets. This is one of the most major intersections in the Town of Braintree on the way to two other towns (Holbrook and Weymouth), neither of which were mentioned in the Applicant's presentation. Mr. Moore expresses that safety is the primary concern here. Mr. Moore has 8 questions: (1) what is the distance from the entrance to Grove Street intersection? Mr. Moore advises it is 60 feet. If the Applicant's safety attendant is there turning cars away, Mr. Moore feels that is a huge safety issue. This is not an issue in Whitman because the entrance is on a side street; in Braintree the entrance is on a major street near a major intersection. (2) What is the length of time for a car wash? The Applicant advises 4-6

minutes depending on package and size of car. Mr. Moore asks what the anticipated queue is during peak hours on peak days. Ms. Lidenko advises anywhere between zero to 3 cars at each bay. Mr. Moore is looking at Whitman picture, and he is seeing six cars. Mr. Moore expresses that the Applicant is trying to use Whitman as an advocate location to show that Braintree is an acceptable site for the car wash, but you have pictures showing that you have queues of at least six cars, with cars on the street waiting to get in. Mr. Moore suggests the Applicant choose another location that is not at an intersection.

Mr. Moore continues: (3) How does an attendant turn away customers? Ms. Lidenko has yet to see this happen. Mr. Moore provides a scenario and asks at what point does an attendant choose to turn a customer away. Ms. Lidenko explains in case the size of the queue is maxed out at 8 cars within the property line in Braintree. Ms. Lidenko does not think this is a situation that could happen. Mr. Moore asks why Ms. Lidenko would have an attendant, and she explains that her goal is to make sure that the operation is as well maintained and as grief free as possible and any situation is managed with zero risk of any challenges. Ron Muller, Traffic Engineer, adds a couple of reasons for the Attendant: (1) to make sure the customers actually queue up close to each other so that you don't have excess space between cars (2) although they don't expect to get 8 cars in queue, the easiest and best way that an attendant can turn cars away is to put cones at the end of the queue lanes to make it clear to anyone pulling up that the lane is full. Mr. Muller states they don't expect that there will be a situation where a car actually stops on Liberty Street to ask questions. Mr. Muller advises that the MassDOT standards for corner clearance from driveways to major intersections, such as this, is 50 feet. This location exceeds that distance. Mr. Moore provides a realistic situation where somebody is coming down Liberty Street and across Grove Street, and they want to get a car wash but there is an attendant there. Mr. Moore claims that the applicant is creating a situation that is a potential for safety issues. Mr. Moore would encourage the members of the Planning Board to consider the location and the safety concerns that this use propagates. Mr. Moore asks about the average dB volume. Mr. Komrower, Sound Engineer, advises that with the dryers running, outside the door, was 81 or 82. Mr. Moore asks what is the actual dB level restricted to there. Mr. Komrower advises 60 at the property line, and traffic was above 60. Background noise is above 60. Mr. Moore is concerned with what the car wash generates. Mr. Komrower advises the car wash generates 82 dB outside the corner of the building. Mr. Moore states the applicant is restricted to 50 when you are adjacent to open space. Mr. Moore advises that ultimately the issue is safety. The location is too small to accommodate the traffic. The use is a negative impact to the flow on Liberty Street and intersection of Liberty and Grove. This is the reality. Mr. Moore appreciates everything the applicant has done; they have done a lot of homework with a great presentation. This has not been addressed, and it is an eventual situation. The likelihood of an accident will increase as a result of the car wash. Chairwoman Joyce states Mr. Moore's comments were well noted, and she would like to get some more feedback from members of the public and the Board Members.

Ms. Lidenko would like to make one comment related to the last statement; there have been zero accidents in Whitman during the last four years of operations.

Liz Page, resident at 137 Storrs Avenue, has a few questions and comments, and like Kelly Moore, she is very concerned about the traffic situation. She thinks cars are being put in a dangerous position where they are going to be entering all in one direction. No one has even discussed at all the fact that when they leave they will be exiting two-at-a-time, which is a concern. Mrs. Page asks where snow removal will go, and what will happen when you have piles of snow at this intersection on the corners. Corners tend to be where snow piles up. That is a concern for Mrs. Page. Mrs. Page has attended several meetings on the project, and she has asked at every meeting what is the water usage for this business; she states nobody has ever reported this. She asks again today, what is the water usage? Ms. Lidenko states both the snow removal and the water usage facts were included in the Operations Manual that was submitted with the rest of the materials, and she advises that snow will either be plowed or removed from the site if there are substantial quantities. Ms. Lidenko agrees that piling the snow on the corner is an unsafe condition. In terms of water usage, the formal charts from the equipment manufacturer were included with the memo. The average daily consumption based on the projected car volume and the data from the manufacturer is 3200 gallons per data, which in comparison, a

small restaurant is consuming 4400 gallons per day, a dairy farm is consuming 3000 gallons per day, a dry-cleaning plant 4600 gallons per day, a florist 6200 gallons per day or a small store or small office 2500 gallons per day. Mrs. Page states part of the problem is that Braintree residents are asked not to wash their own cars in their own driveways, and she feels it's a problem when somebody else makes a profit from something that residents cannot do. Another comment that Mrs. Page would like to state is that she noticed at the Whitman site the hours of operation start at 8:00 AM and end at 7:00 PM. Yet in Braintree you start at 7:00 AM and end at 9:00 PM. Ms. Lidenko clarifies that the hours in Whitman are the same as the proposed hours for Braintree.

Mrs. Page was a little concerned about landscaping; it was a little confusing. In the area adjacent to the car wash there were no trees planted in the area along the border. Mrs. Page would suggest putting some trees in that area as well. Mrs. Lidenko states she can take that into consideration. Mr. Muller would like to address the first comment about two cars exiting simultaneously. Each car wash cycle, depending upon the bay that you are in, takes 5-6 minutes. The chances of two cars exiting at the same time are slim to none. Even if two cars entered the bays at the same time, they would not exit at the same time because each bay takes a different amount of time to process each car. Mr. Muller does not expect this to be an issue.

Member Mikami, for a profit-making company, you have spent a lot of time downplaying volume. Volume is how you make money. If you don't have volume, you don't have success. It sounded very disingenuous. Member Mikami visited the site in Whitman, and Warren Avenue is nothing like Liberty and Grove. Some of the analysis is incorrect based on Member Mikami's observations. Member Mikami has to agree with Mr. Moore that Liberty and Grove is a problem, and it is something we have to be very concerned about. Member Mikami gets worried when he hears "that probably will not happen". Member Mikami states we have to plan for if it does happen. Member Mikami is worried about the risk, the safety and the traffic. In Member Mikami's opinion, this is a high-risk intersection, and he is worried that a project like this will impact a very difficult intersection. Member Mikami's thought is that this is very high-risk, and he doesn't think you can mitigate the risks.

Member Downey is echoing what Member Mikami said. That intersection is very busy, and there are proposals in the works adding more traffic to that area. Even when a car slows down to enter the property, it could have detrimental effects on traffic. Member Downey appreciates what you have done with the attendant and the cones. Member Downey also has concerns about safety. Member Downey asks the Sound Engineer about the open space question. The number was 50 dB. The sound engineer did a background measurement and the sound away from the road was 60 dB. Director SantucciRozzi states that land is actually on the opposite or the other side of Liberty Street (across the street from the house next to the property), east of this site across Liberty Street. Mr. Komrower advises that traffic noise will always be higher than 50 dB, and you will have no effect from where the car wash entrance will be at the location of the open space.

Member Grove asks about the stacking analysis, what was the common vehicle used? Mr. McKenzie said it was a staff suggesting to provide various vehicle lengths. Member Grove doesn't think the location has the stacking capabilities that they are portraying. Member Grove feels that you are seeing larger vehicles in general. Member Grove states, as the two previous Members have suggested, the traffic in this area is very difficult.

Member Kent thinks it is an impressive team and impressive presentation. One thing that would be helpful is to have statistics on how many accidents occur at that intersection presently. Member Kent would suspect that there probably wouldn't be fewer is the car wash was here. To sum it up, we are trying to fit a size 6 shoe on a size 12 foot. Chairwoman Joyce asks, as follow-up to Member Kent's comments, as any part of the traffic analysis, were accident reports pulled for this intersection and evaluated. Mr. Muller didn't do that level of detail because they didn't do a full traffic impact an access study.

Chairwoman Joyce thanks everyone for their feedback. She hears the concerns from residents, and she does share some of the same concerns. With regards to the presence of an attendant, she confirms this is only

during peak hours when excessive queuing might happen. Chairwoman Joyce has noticed that sitting in queues at East Middle School, and feels that the queuing would really need active management. The Chairwoman discusses the natural tendency when vehicles are queueing is to leave quite a gap and you end up losing queueing space. She feels we need to be realistic about the space, the tendency to leave gaps and people's general distraction with phones. Although we didn't have a chance to talk too much about cars exiting onto Grove Street; she confirms, as proposed, the vehicles could go in either direction. Mr. Muller states they are proposing to restrict vehicles to right turns only during PM Peak hours of 4:00 PM to 6:00 PM, M-F.

Chairwoman Joyce confirms this restriction would be noted on a sign. She notes that to take that left turn would be a little risky, but she assumes this was part of the analysis, which is confirmed by Mr. Muller. Chairwoman Joyce asks what was the date of the Gap Analysis. Mr. Muller states this came from the automatic traffic count that was done September 2020. Chairwoman Joyce states it is a challenging intersection. Mr. Muller doesn't disagree with those statements, but he would like to point out that this site was previously occupied by an ATM, and he did point out that the queue lengths are very similar to what they are expecting here. It stands to reason that an ATM generates about the same volume of traffic.

Andy Kaye, lives on Forest Street, the traffic in this area is considerable. We have another high-volume business (a CVS) likely on the other corner. He notes that, when leaving to go to work or bring a child to school, there is not a time that he can recall where he hasn't sat through that traffic light two times or more. Mr. Kaye has lived in this area for about 13 years, and he notes that the ATM was practically never used. He never saw more than a single car there. To compare the two would be completely inaccurate. Mr. Kaye refers to the busiest times being between 11:00 AM and 4:00 PM, and this seemed non-intuitive to him. Those daytime hours seem to be some of the quietest hours. If you google best times to go to a car wash, it says between 9:00 AM to 5:00 PM because people are at work. Mr. Kaye wonders where these projections have come from because it doesn't seem to be anything in alignment with car wash franchises when they publish their business plans. It seems to suggest on the way to work or on the way home from work would be the busiest times, as well as on weekends. Ms. Lidenko states that Mr. Kaye is making an interesting observation; she states this data comes from the Whitman operation, where they analyzed a whole year of data. Ms. Lidenko doesn't have a good explanation of why people don't wash their cars on their way to work; she assumes it is not their primary concern. Mr. Kaye doesn't think a bell curve applies here, as it is a statistical measure of where things fall and outliers. Mr. Kaye states if we are betting on this volume for Braintree, we are betting that the volume will be different than what car washes see as a norm. The other question Mr. Kaye had was related to an Erlang Calculation; they are used at any time when things might queue up, such as call centers, grocery store, etc. Anyone with retail or call center experience would be familiar with this. It looks at the randomness with which people might arrive. Basically, it says even though I'm not busy during 50 minutes of the hour, I could be really busy during 10 minutes of the hour, and that 10 minutes could really create significant counts. Ms. Lidenko responds and states, in fact, she did not want to bring this up because she felt this would be a little hard to explain; however, the MIT scientist who develops the queueing theory, and there are plenty of calculators online which allow you to model projected queue size based on the expectation and the number of serves, which they have two. Based on that, they did model it and that scientific calculation came back with a queue size to expect of 1.6 cars total based on the demands, and the probability of it going higher than that was below 5%. Mr. Kaye states the thing that is important with an Erlang is that you need to do every hour of the day independently. If you blend it, you get a result which would be inaccurate. Ms. Lidenko completely agrees with Mr. Kaye that is why she did this research but did not include it into the presentation because it needs to be granular, which is what she has done. Mr. Muller states the queue prediction models are all well and good, but they will never trump what the applicant did, which is actual observations at the Whitman facility where they observed the maximum queue in each bay in five-minute intervals. Mr. Kaye states these calculations are widely used and will be much more reliable than a single measurement from a point in time for a location that is very different than this location. Ms. Lidenko states they have done both, and they came back with very consistent projections. Ms. Lidenko knows there are concerns about the queueing, but they only expect high queues during 3% of the day during 1-2 hours of the day. Mr. Kaye concludes stating the traffic at

this intersection is already a disaster, and a bet on this data is a bet that the car wash is going to look very different than everything that is published in the industry. This is not something we can afford to get wrong.

Chairwoman Joyce would like to ask staff for a summary of where we are at. Director SantucciRozzi states quite a bit of revised information has come in from the Applicant's team. She did provide a revised Staff Report noting which comments have and have not been addressed. The Director's primary concerns relate to the queuing and the site's ability to appropriately handle this type of operation. Given the concerns related around the curb cut and its location in proximity to the intersection and questions arising around the issue of having to turn people away, the Director did meet with the Applicant before they submitted their revised material, and the Director wants to compliment Ms. Lidenko, who has done an excellent job in providing revised material to the board and in articulating her position along with her consultants. The Director has been spending her career listening to the comments of Board Members, and after the last meeting she noted ongoing concern. She still is hearing those concerns. The Director expresses that if the Board is interested in working with the Applicant to make something successful here, then the Board needs to inject that commentary and direct the Applicant in exactly what they are looking for. If the Board is not comfortable with this proposal, and they are of the opinion that, regardless of the additional information or they feel like they have heard enough, we need to start to verbalize that more. The Director does not want to continue on a road producing more information and for the Applicant to continue to spend money if this is something that the Board is not going to ultimately be comfortable with. The Director is reading in between the lines, and she really wants to express that if the Board is positive about this and want to work with this, then they need to be very specific on what they are looking for. If not, in fairness to the Applicant, that is something they should voice. If the Board is not in a supportive position, there are two things that can be done. The Applicant can withdraw the application, or the Board can direct staff towards writing up a Decision. The Director is putting these things out there, as she doesn't want people to continue to spend time and money around this application if the Board Members cannot get to a comfort level.

Chairwoman Joyce thanks the Director and states that the material provided by the Applicant as a result of the first meeting is fantastic. There is a lot of thought and a lot of additional information provided to make the decision. Unfortunately, the Chairwoman still has similar concerns, and some of the material submitted reiterated how critical of an eye we needed to keep on this project. She opens discussion to other Board Members to give the Applicant a sense of where we stand.

Member Mikami agrees with Chairwoman Joyce. Technology looks good; the team is well-prepared. The information was good. Member Mikami thinks this is an extraordinarily high-risk project for Braintree, and he doesn't think it fits. He wishes they had more space and feels like it is the wrong location. Any comparison to any other site will fall short because we need to take care of our Town. This is a major intersection. Member Mikami does not like the odds, and he thinks this is extraordinarily high-risk and he would not be supportive.

Member Downey asks if any thought had been given to adding more space for the cars pulling in by moving the building back or making the building smaller or are we at maximum density. Mr. McKenzie states they did start this process with the Conservation Commission several months ago, and at one point the building parking lot extended into the 25-foot no disturb zone to the bordering vegetative wetlands. Obviously, at that point, there was more room for cars and queueing in both lanes. Mr. McKenzie asks the Board what kind of queue they would feel comfortable with if they were to approach a redesign. Member Downey is not so concerned with the number of customers coming in because even a car slowing down to enter will cause problems. The pictures shown of the other car washes are very differently situated.

Member Grove is not very comfortable with this, and he believes it is an over-utilization. To answer Mr. McKenzie's question about the queue size, Mr. Grove states the queue size has to be such that there would never be any cars left out in the roadway because that just destroys the whole traffic pattern. They have done a wonderful job and a good presentation. They have done a lot of work, but he is still not comfortable with it.

Member Kent would echo Member Grove on this. Member Kent was 100% “no” before this latest round. He would have a hard time getting comfortable with that business in that location for the amount of traffic that travels through that intersection.

Chairwoman Joyce states we have an informal pole of the members, but it is obviously up to the Applicant in what they choose to do. At this point, we are looking for a continuance until the next available meeting unless the Applicant wishes something else. Ms. Lidenko would like the formal vote. Chairwoman Joyce confirms with staff that we would be in a position to move on a vote at the next meeting. Director SantucciRozzi advises that she can prepare a decision with the Board’s direction. The Director notes that the Applicant does not have her legal counsel with her this evening, and she needs an opportunity to talk with them about different decisions and what that means from a permitting perspective.

Director SantucciRozzi advises that we are looking at July 13. We have a lot of cases for next month; there are six hearings for the month of June.

Member Downey **MOTION** to continue the Public Hearing until the Planning Board Meeting on July 13, 2021 at 6:15 PM; seconded by Member Grove; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

CONTINUED PUBLIC HEARING

99 and 107 Hancock Street – PB File #21-04

Special Permit(s) and Site Plan Review

Applicant: Arista Development LLC

10:43 PM – Four Planning Board Members and one Alternate Member are participating.

Appearing for the Applicant:

Attorney Carl Johnson

Doug Benoit, Arista Development LLC

Brad McKenzie, McKenzie Engineering

Douglas Annino, Principal Architect

Ron Muller, Traffic Engineer-Ron Muller Associates

Will Fleming, Landscape Architect

Chairwoman Joyce requests a very brief update on what has happened since our last meeting by the Applicant and then have staff provide an update on their end. Then we will open it up to members of the public and the Board.

Attorney Carl Johnson appears on behalf of Arista Development, LLC in its application for Special Permit and Site Plan Review for 30 age-restricted condominium units located at land comprised of 50,857 square feet at 99 and 107 Hancock Street. Attorney Johnson explains that on April 29 they submitted the following revisions: revised civil plans, revised drainage calculations and stormwater calculations, interjected waterflow calculations, revised architectural plans, design guidelines memo, dumpster area calculations, revised lighting plan and fixtures, revised landscape plan and responses to all Staff Report comments. Also provided was a Traffic Letter that focused on sight distance at the driveway. With Mr. Johnson are the project professionals listed above who will present evidence and discuss plans and reports and be available for any questions from the Board or anyone in the audience. Attorney Johnson explains that presentations will be in the order as follows: Bradley McKenzie, PE on Civil; Douglas Annino, Registered Architect; Ron Muller on his revised traffic letter, if necessary; William Fleming on the Landscape Plan.

Brad McKenzie, McKenzie Engineering, shares his screen and begins by explaining the changes that have been made since they last met with the Planning Board. They are summarized in the letter that Attorney Johnson wrote to address the Staff Report. They met with Planning Staff a few weeks ago to get feedback on more substantive issues. Subsequent to that, he did make some design changes to the civil, architectural and landscape architectural plans. One the plan that Mr. McKenzie is sharing, the areas that are clouded denote the changes that have been made. To briefly review those: reduce the fence height in the front to 3 feet and called out the type of fence to be consistent with the landscape architectural plan. The site distances were added to the plan and taken from Ron Muller's Traffic Report. The fence was added to the top of the wall in the back. At the Director's recommendation, it is on the property line and there might be some confusion because it might be shown at a somewhat different location closer to the top of the wall on the landscape plan. On the grading plan, they have added top and bottom of wall elevations. They have also reduced the height of the wall by grading at a 3:1 slope. They did specify the type of walls, and Mr. McKenzie highlights that on the plan. They added a patio, and he highlights the location. They did provide clarification on the grading. Mr. McKenzie highlights where the dumpster was relocated at staff's recommendation so that it is less visible from the street. They have added site light poles to the plan to be consistent with the lighting plan. Mr. McKenzie points out where they have added a sidewalk at staff's recommendation to provide safe and convenient access. This is Residential B and General Business District Zoning lines, and, where the project abuts the residential zone, they added an eight-foot setback to the parking to fully comply with that buffer requirement to Residential B zone. They added a Turning Analysis sheet to the plan set, which has been reviewed by Deputy Chief Sawtelle. Some stormwater redesign was accomplished in response to some comments from staff and the Board. They added more information on roof liters. They reviewed the roof plan, and as a result Mr. McKenzie highlights where a small cultec system was added. Two systems were added to the plan – there were three subsurface systems and now there are five. They also re-analyzed the entire site for pre-development and post-development conditions. That resulted in adding a few more chambers to the design. The project design does fully mitigate the peak rates and peak volumes of runoff

Mr. McKenzie advises that they also submitted some calculations at the request of DPW to verify that the existing five-inch sewer stub had the capacity to accommodate the project, and it does. They did meet with DPW, and at DPW's request the Applicant made some changes out in the street. They converted some catch basins to drain manholes. The DPW did write a letter on May 10, 2021, which was sent to the Director, stating that they had some minor modifications that they would like to be made to the plans.

Doug Annino, Principal Architect, explains that what they did with their architectural drawings was to basically echo what was happening on the site. The rear patio was added, which is basically a slab on grade. It is a small gathering place for residents. The front area by the columns is landscaped now with a retaining wall that is further back against the sidewalk area to relieve the grading in that area. Mr. Annino advises that they worked on the cubic volume of each floor so that you have a good breakdown of cubic volume. As you go up, the volume decreases because they dropped a story on the front of the building. They worked a bit on lighting, but they still have some spillover. Mr. Annino would like to go back and work on the photometrics again and get a better distribution diagram to lessen the spillover on abutting properties. They are going to go back and work with the manufacturer. They also worked on trash generation. They looked at the dumpster area to make sure they had enough area to put the needed refuse containers in there. They are figuring about .5 cubic yards per week for each resident. They can accommodate all the residents with four – 4-yard dumpsters, which can be rolled out and taken on a truck. The dumpster area is pretty big at 18X21.5. It could accommodate two more dumpsters if they have to. Mr. Annino also did a Design Guideline; it talks about things like façade, the many different roof levels, various things happening at the front entry, the setback from the street, the pedestrian feel of the building. Mr. Annino advises that the only think currently up in the air is the lighting diagram, which they would like to submit that once he gets it back from the manufacturer.

Bill Fleming, Landscape Architect for the project, advises that from the last meeting he had received the Staff Report and neighbor comments, and he tried to implement those changes and requests into the plan. On the

northwest buffer near Frederick Road, they added a couple more giant green arborvitae to the buffer, as well as some viburnums to increase that buffer. They added two green arborvitae and nine deciduous shrubs in that area. The other request was to address landscaping along the retaining wall on the western side of the site. For graphic purposes now on this plan the fence is moved in, but the fence will be on the property line. Grasses will be between the fence and the back of the retaining wall. When they were able to move the dumpster location, they also added another shade tree along that buffer. The only other request was to implement some more varieties of plant material, and they have done that.

That is the last of the Applicant's presentation, and Chairwoman Joyce asks to have a summary from staff's perspective. Then, we will go into any public comment and Board comment.

Director SantucciRozzi advises that she met with the Applicant's team after the last meeting. They went through the comments from the Planning Board, the Staff Report and the two comments received from the public. Those items have been addressed. The Director explains, as you can see from your packet, there was quite a bit of revised materials. There are a few things that are outstanding; some of them have actually been clarified this evening. The Director has prepared a set of Draft Conditions, if the Board is satisfied that the concerns they had raised at the last meeting have been satisfied. These are available to discuss this evening. Planning Staff has worked with the departments, both DPW and Fire, that primarily had comments that needed to be addressed.

Chairwoman Joyce reminds the public that this is a Continued Public Hearing, and she opens the discussion to the public and explains the methods for communicating. She will monitor the comments from the public while she opens discussion up to the Planning Board.

Member Mikami states there have been a lot of updates, and it looks like the flow is going to work well and this place will be dry-as-a-bone. Member Mikami is curious if there are other elevations; he wonders what it will look like from the street. Also, he assumes the abutting residents are not going to see the lighting. In terms of plantings, will those really block the lighting from neighbors? Attorney Johnson explains that there are street elevations that Mr. McKenzie just shared. Attorney Johnson suggests that Doug Annino highlight what has been done. Member Mikami states that Mr. Annino has done that before, but he was hoping to have an updated elevation with colors so that people will know what it is going to actually look like. Mr. Annino states they do have some color elevations that they went through before. Mr. Annino asks if Member Mikami is thinking more of a rendering or three-dimensional view. Member Mikami feels that a lot of people would like to visualize this in color. Member Mikami's other comment is that he assumes that they are covering up a lot of the building on the other three sides. Mr. Murphy is sharing the renderings that were presented at the Zoning Board Meeting, and the Director asks Mr. Annino to provide the narrative. Mr. Annino provides an explanation of the colored elevations, which provides a visual of the colors being used. The terra cotta color is the brick façade. The building has white trim with grey hearty plank clapboard. There is some vertical board and batten on the third floor. There is an asphalt shingle dark grey to black roof, which is sloped. There are some accents at the main entry over the front-entry doors. The same materials were continued as it wraps around the building. There are some vertical elements that are brick, with balconies with a black aluminum balcony rail. Member Mikami appreciates the visual.

Member Downey has no comments or questions.

The Chairwoman is going to recognize the resident or caller with a hand raised.

Jill Coyle, 83 Parkside Avenue, will be referring to Site Plan C-1 after she reads a statement. She would like to take an opportunity to provide some historic clarification as well as state some bylaw interpretations that she finds to be contradictory to the Zoning Bylaws. The Historical Clarification is on the 1998 Master Plan and Village Zoning Overlay District. At the first public hearing, which was April 13th, our representative for the

Applicant made opening comments pertaining to the 1998 Master Plan and the Village Zoning Overlay District. For clarification, the 1998 overview suggested creating a village center ordinance unique to each town square. This referred to Braintree Square and South Braintree Square. It went on further to include this as a potential action item adding it to a recommended implementation table. The Master Plan suggested this was an action item along with pages of many other potential items. At the October 7, 2002 Town Meeting, the Planning Board presented the Village Zoning Overlay District, which was approved by Town Meeting and subsequently approved by the Attorney General's Office on December 30, 2002. Mrs. Coyle was a sitting member of that Planning Board, as was current Planning Board Member Grove. The Village Zoning Overlay District stopped at Fredericks Road and did not include any parcels south of Fredericks Road. Had the will of the Town Meeting, who represented their constituents, been to extend the Overlay District it would have been done at that time with a simple Amendment being brought to the floor. Now, Mrs. Coyle is going into the Comprehensive Zoning Plan. On March 25, 2019, hundreds of residents attended the first public hearing for the Comprehensive Zoning Plan. One of the recommendations that was included in this plan was to extend the Village Zoning Overlay District further south to the Plain Street intersection. The residents made it very clear that they were not in favor of this plan in its entirety, and it was finally withdrawn on December 10, 2019. If anyone was in favor of this particular plan recommendation, it could have been discussed throughout the public hearing process. It was not. To present opening remarks to imply that this property was included or was intended to be included in the overlay district was disingenuous, especially to those Board Members, residents and staff that were not involved in the process when it took place.

Mrs. Coyle continues stating the second part of this bylaw interpretation is related to the Zoning Board of Appeals. ZBA relies heavily on the recommendation of staff when being presented a project. At the November 23, 2020 ZBA public hearing, the ZBA approved a variance for relief under Section 135-705, Multi-Family Dwellings. Under Section 135-705, the number of units allowed is 8-9 units on this size parcel. Had the Applicant submitted a plan for the allowable units under our current zoning, a Variance would not have been required. Instead the Applicant presented a project that was over three times what is allowed by law. In other words, the Applicant created their own need for a Variance by presenting a 30-unit development. Staff provided a favorable recommendation on all the requested Variances. There is no justification for recommending favorably for this Variance, and even more so approving such a Variance. Mrs. Coyle feels it is extremely difficult to understand why this Variance, which clearly violates our existing bylaws, was ever entertained, accepted and subsequently approved.

Now Mrs. Coyle refers to Site Plan C-1, as stated with the ZBA, the Planning Board also relies heavily on the recommendations of staff when being presented a project. After reviewing the plans – specifically Site Plan C-1 – it has become apparent that a lot line has been misclassified. Please refer to Section 135-102 Definition. The definition of a rear lot line is the lot line or lines opposite and most distant from the front lot line. For further clarification, for other irregularly shaped lots, the rear lot line is composed of all other lot lines that are parallel to or closely parallel to the front lot line. The definition for “side lot line” is lot lines connecting front and rear lot lines. On a smaller parcel, the western most lot line that runs parallel to Hancock Street is clearly a rear lot line by definition and not a side lot line as identified on the plans. There are three lot lines in total that should count under the Rear Lot Lines Definition. Two require 20-foot setbacks as required in the Table of Dimensional Requirements. The western most lot line on the smaller parcel is treated as a side lot and only afforded a ten-foot setback so the building is within 20 feet of this line. Such an error, whether intentional or not, would prohibit this building from being constructed as it is currently laid out. To accommodate the error, the building must be moved to the south, which would then interfere with various other aspects of the project. Ultimately, this project should not be approved as it is clearly too large for a lot of this size, and it should be downsized considerably. This project is a perfect example of the residents' concerns and why they have specifically requested an updated Master Plan. Even with current bylaws in place, the seem to be treated as optional, which should never be the case. A perfect quote in the current Master Plan captures a common theme throughout the document. “Enhance the quality of life of residents by retaining the scale and character of a town rather than it becoming a city.” A quote from the introduction to the Master Plan: “The opportunity at hand

calls for the Town to position itself so that it is managing development rather than having development dictate the character of the Town and the quality of life of residents.” This speaks for itself, especially for this project. Mrs. Coyle concludes that, although she applauds the Applicant for adding the age restriction for much needed 55+ housing, she asks at what cost to the Town and all of its residents. Mrs. Coyle expresses her thanks for consideration and time, and she looks forward to any comments. Mrs. Coyle concludes by detailing her difficulty with trying to view the opening meeting from April.

Attorney Carl Johnson responds to Mrs. Coyle’s remarks. He explains that all during this process they have been talking about a complimentary aspect to the Village District, a walkable area with connectivity to the street. That is something that the prior administration, which the Applicant spent a couple of years working with, had urged the Applicant to do. It had a lot to do with the design of the building and what was being done. The current administration felt strongly about having a 55+ development of quality to meet the need that is present in the community. Attorney Johnson states, having read the 1998 Master Plan and citing it in the past, is geared to what was done on the corridor. The Planning Board retracted the plan, but the Applicant had to, when they submitted at first, meet the requirements of it because it was published, and if it passed they would have to meet the requirements. The prior administration was very strong about the nature of the building and how it would look. Attorney Johnson advises that the Variance was received for this; it was a Remand from the Court. The Court looked at 705 and had some serious concerns about it as far as how it affects multi-family dwellings. Because of the Variance, it is deemed to be conforming in all aspects they sought relief for, and that was for the number of stories, the number of units and the open space per dwelling unit. Attorney Johnson states the Applicant discussed with staff the issue of side-yard, which two engineers weighed in on. This was discussed by staff with the Assistant Town Solicitor, and she had an opinion as to that. Attorney Johnson explains that, quite honestly, he has been involved with this site since 2012.

Attorney Johnson thinks what is important is that everyone is entitled to their opinion. There was a Variance granted, and it was lawfully done. There was no appeal to the Remand Decision. Therefore, the Variance is under law, and this is a conforming project as far as what relief was granted by the Zoning Board of Appeals. Attorney Johnson points out that this development maintains 37.5% Open Space, and he feels that it cannot be called “too dense” when the Applicant provides over three times more Open Space required under the Bylaw for a development in a General Business District. He explains that the last time they affected this Ordinance was in the late 70’s/early 80’s and the Town hasn’t changed their Bylaw since. Attorney Johnson thinks people are mischaracterizing things and giving a history lesson on only a portion of things to justify what their position is. Attorney Johnson states this project speaks for itself. They have conformed to everything and addressed any neighborhood concerns that they were given an opportunity to discuss. There were no “noticed” abutters from the commercial abutters that have objected to this development.

Mrs. Coyle responds in that she agrees with the prior speaker that the Variance is “water under the bridge”. What she finds very unsettling is that someone would make a decision that completely contradicts our bylaw and the definitions provided in black and white in our bylaw. A side lot line connects front and rear lot lines. What they are calling a side lot line does not do that. Mrs. Coyle cannot believe that we can disregard our bylaws in this manner.

Member Grove clarifies with staff whether the lot line that Mrs. Coyle has in question is parallel to Hancock Street. Director SantucciRozzi states this is a very interesting shaped property, and there are actually four segments that are parallel to Hancock Street and she describes them. When this project first started, given the odd shape of the lot, the Building Inspector is the one that makes that determination. This was vetted a long time ago. This was mentioned at the last meeting, and the Director discussed this with our Assistant Town Solicitor, Crystal Huff. Her opinion is that the segment that starts with the full rear segment to goes into the bend, and once that bend starts all through the doglegs and all the way out to Hancock Street was determined to be the side because that portion of the lot connects the rear and the front. It is a very, very odd shaped lot, and the Director thinks that there is definitely an opportunity for different interpretations. With the assistance of

Brad McKenzie, the director highlights on the Site Plan, what is considered “rear lot line” vs. what is considered “side lot line”, as interpreted by the Town.

Member Grove asks staff to address the points in a letter provided by Councilor Sciascia. The Director states that the letter was primarily around the issue of the buffer, which is ten-feet. Once again, with the assistance of Brad McKenzie, the director highlights on the Site Plan, the southerly border of this lot stating there is a good portion of this lot that abuts the General Business District. She explains there are split-lot provisions that say this is about zone-line provisions. She explains how the Applicant complies with the ten-foot requirement along noted sections. The minor revisions needed to the plans are reflected on the set she just highlighted.

Member Kent expresses that he gets the concern about the density, but cannot understand the concern with the buffer and why this has been presented at this late stage. Chairwoman Joyce gets the sense of the concern for density, use and interpretations of the bylaw. She understands, through explanation from staff, that the review that has happened over the years and interpretations made by the Town is a culmination of the plan before the Planning Board. Chairwoman Joyce thinks there is still some resident opposition, and that is what we are hearing this evening.

Chairwoman Joyce appreciates the effort from the Applicant to hear the Board’s comments from the last meeting and make some revisions, and she doesn’t have any further comments or questions beyond what has been discussed to date. Director SantucciRozzi doesn’t see any other hands up.

Emily Ego, 15 Frederick Road, is chiming in on what Chairwoman Joyce just stated in that there are residents that are opposed to density of this building. She feels it is unfortunate that the Town is moving forward with this, she presumes, and she doesn’t think that we are going to be better for it.

Chairwoman Joyce does not see any further comments from the public; she confirms that staff has prepared draft conditions that have been reviewed by the Applicant. The Director confirms that Attorney Johnson and his team went through draft conditions. The Director wanted to thank Attorney Johnson on catching a couple omissions in the draft conditions. Condition 45 had a few words omitted. Condition 46 is a gift to the Town’s traffic mitigation fund, and they would like to add wording that this money be spent in the South Braintree Square area, Hancock Street corridor and adjacent street (i.e. Frederick Road). Attorney Johnson would like to state that includes sidewalks to improve access through the South Braintree Square area. Condition #60 is a boiler plate condition that if you track dirt into the street, you are responsible for cleaning it up. The Applicant wanted a little tweaking of the condition. The Director is confident this will not be an issue. Condition #67 is the condition about installing low-flow water conserving fixtures. The Planning Board does include this type of condition in all our residential projects. The second condition is no interior or exterior washing of vehicles is permitted onsite. There was a question about Condition #73 which states the applicant is responsible to ensure that the five affordable housing units will be eligible to include in the Town of Braintree’s subsidized inventory. The Applicant needs to follow DHCD guidelines. We want to make sure they are counted by DHCD. Attorney Johnson states that Conditions 67, 68 and 73 were explained, and they understand what the intent was and have no problem accepting those.

Chairwoman Joyce is not seeing any public commentary.

Member Kent **MOTION** to close the Public Hearing; seconded by Member Mikami; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Member Mikami **MOTION** to enter correspondence into record through May 11, 2021; seconded by Member Downey; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Member Mikami **MOTION** for favorable action on Special Permit(s) and Site Plan Review for PB#21-04, 99 and 107 Hancock Street, with conditions as presented and updated; seconded by Member Downey; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

CONTINUED PUBLIC HEARING

930 Liberty Street – PB File #21-02

Special Permit(s) and Site Plan Review

Applicant: Hank Duong

11:44 PM – Four Planning Board Members and one Alternate Member are participating.

Appearing for the Applicant:

Hank Duong, Applicant

Director SantucciRozzi states that the Applicant heard the board loud and clear that he needed to take care of the last few things. The Applicant found that the garage was not structurally sound and provided data from a structural engineer. This was provided to the Building Inspector and the Building Inspector found this acceptable. Mr. Duong will have three spots in the driveway, which it is already striped for. On the lower driveway, he does have the opportunity to park underneath. There is really not an opportunity to park on Liberty Street. The Director advises that Mr. Duong has cleaned up the walkways, and he is going to put the garage doors on the garage to keep it feeling like a single-family home. The Director has made some notes on the conditions that were issued last time. She needs to make a revision to the draft finding where we talk about the garage. Condition 27 needs to be modified to reflect the updated parking; Condition 31 also needs to be modified related to how the various levels of the garage are to be used. Director SantucciRozzi wants to thank Mr. Duong for revising materials to hopefully gain the Board's support.

Mr. Duong thanks Director SantucciRozzi for all her time, and confirms that he would do whatever required to work through this process.

Member Mikami thanks Mr. Duong for listening to the Planning Board.

Member Downey states this has a much better turnout than after the last meeting, and he echoes Member Mikami's comment.

Member Grove and Kent, as well as Chairwoman Joyce, all have no further comments.

Director SantucciRozzi will make the few tweaks to the conditions from last meeting. Chairwoman Joyce has not noted any public comment.

Member Mikami **MOTION** to close the Public Hearing; seconded by Member Grove; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Member Grove **MOTION** to enter correspondence into record through April 16, 2021; seconded by Member Downey; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

Member Mikami **MOTION** for favorable action on Special Permit(s) and Site Plan Review for PB#21-02, 930 Liberty Street, with conditions as presented and modified; seconded by Member Grove; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

As-Built Approval for 16 West Street (PB File #18-19) – Hank Duong, Applicant

11: 52 PM – Four Planning Board Members and one Alternate Member are participating.

Connor Murphy brings up the issue with car in the front yard at this location. That is something Planning Staff wants to prevent going forward. He suggests putting landscaping at that edge of the driveway or some sort of masonry wall that prevents individuals from parking in the front yard. We cannot grant As-Built Approval on a project where we are seeing this deficiency. We have gone back and forth on the As-Built Plan. Mr. Murphy suggested that something be incorporated into the lease that states front-yard parking is not permitted. We need something more stable to prevent parking on the front yard. We cannot proceed with As-Built approval without solving the issue of parking in the front yard. We can do landscaping on that side of the driveway or a small wall via a Minor Modification.

Mr. Duong discusses the issue of parking and states he is blocking it off, and he will add this into the lease document when it comes up for renewal. Mr. Murphy has seen this develop over the past few weeks, and there needs to be something more solid in that area like landscaping or some type of physical barrier on the righthand side of the driveway. Mr. Murphy's recommendation is that we don't proceed with this As-Built until we come up with a solution. This will be placed on the Agenda for next month.

NEW BUSINESS – APPROVAL OF MINUTES FROM April 13, 2021

11: 57 PM – Four Planning Board Members and one Alternate Member are participating.

Chair Joyce explains that there are minutes from our April 13, 2021 Planning Board Meeting proposed for approval.

Member Mikami **MOTION to approve** the minutes from the April 13, 2021 meeting; seconded by Member Downey; voted by roll call 5:0:0 (5 Votes: Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chairwoman Joyce: YES).

Discussion: In Person Meetings and Upcoming Zoning Articles - 12:01 AM

Cahill Auditorium is going to be back in action very soon. Town Council and Planning Board will start meeting in public again in August. If the Board wants to delay it until the end of summer, we can wait until September. We don't have to decide it tonight, but maybe at the next meeting we can decide on August or September.

If we want to have an option for residents to call into our in-person meetings, we can explore that. We will add this to the June Agenda and look into these things further. The Board will be sitting at a social distance.

Member Downey **MOTION to adjourn** the meeting; seconded by Member Mikami; voted by roll 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES).

The meeting adjourned at 12:08 AM.

Respectfully submitted,
Louise Quinlan, Planning/Community Development