



Joseph C. Sullivan  
Mayor

## Department of Planning and Community Development

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**APPROVED**

### PLANNING BOARD

Robert Harnais, Chair  
Erin V. Joyce, Vice Chair  
Darryl Mikami, Clerk  
James N. Downey, Member  
Phillip J. Baker, Member  
Hector Erinna, Associate

### Braintree Planning Board – June 11, 2019 – Cahill Auditorium

Present:

Mr. Robert Harnais, Chair	Christine Stickney, Director
Ms. Erin Joyce, Vice Chair	Melissa SantucciRozzi, Assistant Director
Mr. Darryl Mikami, Clerk	Connor Murphy, Staff Planner
Mr. James N. Downey	
Mr. Phillip J. Baker, absent	
Mr. Hector Erinna, Associate Member	

Chair Harnais calls roll at 7:00 PM. Four (4) members and one (1) alternate member are in attendance.

**MOTION** made to go into Executive Session voted by individual member roll call 5:0:0. The Board will discuss the matter of Amazon.com v. Braintree Planning Board, Land Court No. 18 MISC 000436 and possible resolution of same. Chair Harnais announced to the public after the Executive Session they will return to the scheduled open session Planning Board Meeting.

There is a **MOTION to adjourn** the Executive Session voted by roll call 6:0:0.

The Executive Session ends at 7:17 PM, and the Planning Board returns to the regularly scheduled open session Planning Board Meeting at 7:19 PM with a roll call. Four (4) members and one (1) alternate member are in attendance; Member Phillip Baker is absent.

### NEW BUSINESS/OLD BUSINESS

**Approval of Planning Board Meeting Minutes for March 12, 2019, May 14, 2019 and June 3, 2019**  
**7:19 PM – Five Planning Board Members participated. Phillip Baker is not present for this meeting;**  
**Alternate Member Hector Erinna participates.**

Member Downey **MOTION** to approve the minutes from the Planning Board Meetings on March 12, 2019, May 14, 2019 and June 3, 2019; seconded by Member Mikami; voted 5:0:0.

### NEW BUSINESS/OLD BUSINESS - Zoning Board of Appeal Petitions – June 2019

**7:19 PM – Five Planning Board Members participated. Member Baker is not present for this Hearing,**  
**and Alternate Member Hector Erinna will be voting on this matter.**

The Planning Board took no action with regard to recommendations on Zoning Board of Appeal Petitions for the month of June 2019.

### NEW BUSINESS/OLD BUSINESS

**Discussion/Action: Request for Certificate of Occupancy**  
**7, 7R, and 11 Independence Avenue (Special Permit/Site Plan Review - File #14-06)**

**Requested by: Thomas Fitzgerald**

**7:20 PM – Four Planning Board Members participated. Erin Joyce recuses herself from this hearing;**  
**Member Phillip Baker is not present for this hearing; Alternate Member Hector Erinna participates.**

There will not be any discussion on this matter tonight.

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**CONTINUED PUBLIC HEARING**

**20 Trefton Drive – File #19-05**

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

**Chun Patterson, Applicant**

**7:21 PM – Five Planning Board Members participated. Member Baker is not present for this Hearing, and Alternate Member Hector Erinna will be voting on this Hearing.**

Staff Planner, Connor Murphy, advises that the Applicant is still working on the materials; therefore, they request that this hearing be continued without testimony until the Planning Board Meeting on Tuesday, July 9, 2019, at 7:15.

Member Mikami **MOTION** to continue this hearing until the Planning Board Meeting on July 9, 2019 at 7:15 PM; seconded by Member Downey; voted 5:0:0. Member Baker is not present for this Hearing; Alternate Member Hector Erinna voted on this matter.

**PUBLIC HEARING**

**60 Columbian Street – File #19-06 - Site Plan Review**

**Applicant: Brigham and Women's Hospital**

**7:22 PM – Four Planning Board Members participated. Member Baker is not present for this Meeting; Chair Harnais will be recusing himself. Alternate Member Hector Erinna will be voting on this Hearing.**

**Present for the Applicant:**

**Mark Clayton, CBRE-Owner's Representative for Brigham Health**

**Lisa Chow, VHB-Civil Engineer**

**Brian McKenna, Architectural Engineering and Design**

**David Bowan, Traffic Engineer with VHB**

Chair Harnais explains that he will be recusing himself from this hearing, and although Member Baker is not present, he will be able to sit on this hearing using the Mullin Rule.

Vice Chair Joyce reads the Public Notice into record.

Mark Clayton, CBRE-Owner's Representative for Brigham Health, begins the presentation to say they are very excited about this project. He provides a background about the building. The two-story front building was built in 1986, and in 1994 the developer signed the lease with The Lottery; they built the warehouse in the back, and The Lottery has been in the building since 1994. Brigham looked at a number of buildings on the south shore. This is a consolidation of many departments in neighborhoods throughout the area in Braintree and in Weymouth. Mr. Clayton provides an overview of the entrance, volume of parking, and access. The two-story building will stay in place, and the warehouse will be torn down. It provides a great circulation for parking. VHB will review parking ratios. The rear will be used as urgent care, which will be open just the normal 5 ½ days of business. Mr. Clayton provides a summary of what services are going into the building. Some of the groups going into the building include: primary care, urgent care, multi-specialties, lab services, imaging center, cardiology, surgical consult and endoscopy. They hope to start construction in the fall of 2019 and conclude construction in the fall of 2020 with occupation in winter (or first quarter) of 2021. Mr. Clayton highlights an artist rendering of the entrance. There is ample parking. VHB will address some of the more technical details of the site.

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Lisa Chow, VHB-Civil Engineer, states the proposal is to renovate and repurpose the site from an existing office and warehouse use to a medical office building use. This would be the third generation of use for the existing office building. The proposed medical office building is a “use by right” within the Highway Business District. The Applicant is here before the Planning Board because the Site Plan approval for the existing office and warehouse require the applicant to come back before the Planning Board for Site Plan Review if there is a proposed change in use. Ms. Chow provides a quick overview of the existing site and then discusses the proposed improvements. Currently the site consists of a two-story office building with a one-story warehouse building. It is currently the site for the Massachusetts State Lottery, who uses both warehouse and office buildings. Access is from east and westbound on Columbian Street through the signalized, shared-access drive. Currently, there are four curb cuts that access the site. Under existing conditions, the runoff from the building roof is discharged to the north and west wetlands via existing building roofs connected to storm drain pipes. Ms. Chow highlights the path for runoff from each portion of the site. There is a small stretch of pervious land that is undeveloped that is naturally sloping towards the east that will remain “as is”.

The project involves the renovations of the existing two-story office building, which will become a medical office building. The one-story warehouse is getting demolished to create additional parking to meet the parking requirements for a medical office building use. Per current Braintree Zoning Code, a medical office use requires 6.67 spaces per 1000 SF. The Applicant and Brigham would like to propose a ratio of 6 spaces per 1000 SF. Under that plan, 540 spaces would be constructed and 61 spaces would be put in reserve parking. In addition to parking improvements, the project is also proposing drainage improvements, landscape improvements and lighting improvements. The original submission for the Site Plan Review package included proposed infiltration systems to reduce peak flow rates as part of the storm water management plan. Since the package was submitted, additional soil exploratory work was completed, and based on the findings from the soil exploratory work the applicant changed the proposed storm water management approach. Instead of infiltration systems, it would become detention systems due to shallow bedrock and groundwater that was encountered. In addition to the detention systems, water quality units, as well as deep-sump hooded catch basins are proposed to address water quality. There are also new trees and shrubs being proposed as part of this project. A number of the trees, particularly along the east edge of the site, are being proposed to conform to the 1994 site plan approval as requested by Planning Staff. A mixture of native, hybrid and non-native trees are being proposed. The proposed site plan will be an enhancement to what is currently there today. Appropriate erosion and sedimentation control measure are also being proposed during construction. These measures include a construction fence, as well as straw waddle around the limit of work, a wheel wash at the construction entrance and exit and silt sacks at catch basins. A long-term pollution prevention plan to address maintenance objectives, once construction is completed, was also included in the package submitted. Ms. Chow asks if there are any questions related to site. Vice Chair Joyce states we will go through the overall project overview then we will ask specific questions at the conclusion. Ms. Chow explains that their Traffic Engineer is here tonight if there are any traffic related questions.

Brian McKenna, Architectural Engineering and Design, orients the Planning Board on the site comparing what is existing vs. what is proposed. The new main entrance is where the warehouse was, and the new urgent care entrance is where the existing entrance to the building is now. There are clinical programs on both sides of a main connecting corridor. They are showing existing photos because they are keeping the majority of the building. It is a brick building, which is in good condition; therefore, they will keep the envelope of the building. There is consistency around the sides of the building in the banding. Mr. McKenna highlights the plans for the warehouse area becoming the main entrance. They may coat the banding to get a more monolithic color to the building.

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On the north and south, the building is remaining "as is". They have indicated canopies at a staff entrance to provide shelter to come in. Mr. McKenna shows the rendering of the west entry, which will be repurposed for the urgent care entrance. The last image is the main entrance, which is where the warehouse was. There is an intent to stay in the same hue as the brick with some warm colors and glazing to bring light into the building.

David Bowan, Traffic Engineer with VHB, provides a brief traffic study. He will explain what they did. They prepared a traffic impact study looking at the re-development of this site. The use has changed; the patterns are different and more traffic is the result with a medical office building, which is clearly stated in their report. They identified the existing level of activity by the Lottery when it was busier. They met with Town staff and had several conversations to determine what area to evaluate. They selected a one-mile section of Columbian Street that includes four intersections (Liberty/Grove, Grove/Columbian, Columbian at the site access road, and Forest Street/Columbian in Weymouth). Mr. Bowan states they did a pretty extensive data collection effort. They counted traffic at each one of those intersections morning, afternoon and Saturday peak periods, trying to comply with zoning requirement. They put out traffic counters over a 48 hour period on the site access road and on Columbian Street. There is a lot of data in the report. Columbian Street is a pretty busy roadway under Mass DOT jurisdiction. They had an initial meeting with Mass DOT.

They are also looking at pedestrian activity, bicycle activity safety/crash information, and speed information on roadway (what is posted and what they are seeing). They looked at what might happen over the next several years for other developments in the area (i.e. Union Point). The next step is determining how much traffic the project will generate. They looked at origin destination information for patients that are served by Brigham Health in this community and in Weymouth to understand where they are coming from and travel patterns. It was important that they considered the activity the Lottery was generating when they did their counts. The volumes were much lower than when it was at full occupancy. The meat of the report was an analysis section; they looked at the four intersections. The site access driveway works very well. They also have identified at Columbian and Grove that signal timing changes would help to make it work better. The greatest impact is at the front door where the site access road comes out to Columbian Street. It works at a Level of Service A. They have done queuing studies from the site access road to Grove Street. They have calculated the traffic threshold and where they stand in that threshold. Mr. Bowan goes on to highlight points from the Traffic Study. The last thing was that they had initial ideas about mitigation that would help this site work better. There will be accommodations for staff for bike racks, shower and locker facilities for staff and vehicle charging stations. They are looking at timing improvements for at least one of the intersections to bring the operations back to a better level of service and shorter delays for drivers.

Vice Chair Joyce opens discussion to the public for comments or questions. With there being no comments or questions from the public, Vice Chair Joyce asks staff for an overview of where we are at.

Assistant Director Melissa SantucciRozzi has provided a staff report for the Planning Board, which was shared with the applicant. There are a few comments that need to be clarified; basically, it is an adaptive re-use doing some upgrades to the site on features of the site that are a little older. They are proposing to upgrade the water quality of the stormwater discharge leaving the site. She discusses the upgrade to the drainage system and the geotechnical system, which was emailed to the Planning Board. There is no increase in pervious coverage on the site. This is an opportunity to look at what is working and what can be improved upon. The second item that will be greatly improved upon is landscaping, which will try to bring the site back into compliance. There will be a lot more people from the public accessing the site from day-to-day. The new ADA parking spaces and access to the building will all be 100% ADA compliant. She highlights extensive lighting plan to include some additional pole lights, some wall packs and entry lighting. There were some lit bollards around the main entrance.

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The majority of the items still left for staff to work on, along with David Soares Braintree Traffic Engineer, is to drill down on what we will be recommending for the mitigation package and address technical issues. The volumes are significant, and we want to make sure that the mitigation package is appropriate and is going to deal with the impact due to increase in trip generation. They are also looking at pedestrian access and getting to the site safely. Staff wants the site, access and other features to be at the same level as the building renovations. The Assistant Director invites Planning Board Members to advise her if there are specifics on what they want to look at for traffic mitigation. At the next public hearing, staff along with the Traffic Engineer hope to present their recommendations with regard to traffic mitigation.

Member Downey asks the Traffic Engineer about site access at Columbian Street at the signal light; is there a cross walk? Mr. Bowan states "yes", there are bits and pieces of sidewalk, and there are places where there is no sidewalk; Mr. Bowan recalls that there is a marked crosswalk. Member Downey asks if there are bike lanes now. No. Member Downey confirms that the next signal is at Grove and Columbian, and the next one would be at Liberty Street. Mr. Bowan explains that, in terms of the percent increase in traffic, it is 9.4% north (left) and 6.9% south (right). Member Downey asks about the mitigation package. Mrs. SantucciRozzi explains that they had originally reached out to engineering (Town Engineer, Traffic Engineer in DPW) to confirm parameters of the study. There were some ideas related to the intersection of Liberty and Grove. There is a full design, which was a mitigation package from another development. They will be looking at Columbian and Grove, as well. They are trying to maintain the current level of service. There are impacts in the peak hour because it is a different characteristic. It is a high volume of daily trips that are constant. Everybody is coming to appointments all day, rather than staff arriving at 8:00 AM, leaving for lunch, and then leaving at the end of the day. Staff explains that the Applicant will be open from 7:30 AM to 7:00 PM Monday through Thursday, 7:30 AM to 5:00 PM on Friday and they will have limited hours on Saturday for urgent care and imaging. We want everyone to put their best foot forward to make sure that the impacts are not far-reaching. Mr. David Bowan agrees with staff discussion. Mr. Bowan feels traffic impacts are spread out over the course of the day at a steady level of activity. James Downey urges applicant to work with staff to make sure traffic increase is mitigated.

Member Mikami states that people that live in Braintree think that all the traffic in Braintree is from Braintree. We are looking at how traffic waterfalls throughout town. Member Mikami explains that we have had major projects that impact traffic. He doesn't want another Amazon traffic situation in another part of town. Member Mikami stresses that the Applicant cannot impact the traffic any worse than it is today. If it does, it is a failure, and we will have to make adjustments. Member Mikami states we are a desirable area for many reasons, and he suggests that the Applicant has to be very creative. He is concerned with actual performance. Member Mikami states we will do continuing traffic studies and emphasizes this is the number of one issue for quality of life for Braintree residents and people that work in Braintree.

Member Mikami asks what the tax status is of this project. Is this a taxable entity or is it a tax-exempt entity. Ronald Ruth, Attorney for the Applicant, states the project is a non-profit, exempt from taxes, but in discussions with the Town in terms of a Pilot Agreement or payment in lieu of taxes agreement. Member Mikami feels, since we are televised, it is good for everyone to hear this.

Vice Chair Joyce states with regards to the signalized intersection at the site access road and Columbian Street, how is that signal set up. Is it a loop detector? Is it video? Mr. Bowan states it is an older system that is not current design. Vice Chair Joyce asks if there are any proposed improvements as part of this work. Mr. Bowan states the operations are at level service A and they do not propose any improvements there.

Vice Chair Joyce confirmed that Columbian Street was a state route and suggests that the Applicant share state information. Mr. Bowan states they had an initial consultation meeting with the state, and no major concerns were raised. They will be subject to MEPA filing, which will be happening by June 14, 2019. Town will be notified. The trigger for a MEPA filing is because of the traffic threshold and parking spaces. Vice Chair Joyce asks staff how the MEPA filing plays into what the Planning Board is doing. Staff explains that there was a previous MEPA filing, and she clarified that they will be filing a new ENF (Environmental Notification Form). Staff clarified that any work in that corridor would be subject to Mass DOT approval, and she confirmed that it was District 6.

Vice Chair Joyce's follow-up question: given the proximity of this project to Town of Weymouth, does the Town of Weymouth participate in any discussion or are they aware of the project. Staff states that Weymouth will get the ENF and she will be in touch with Weymouth's Traffic Engineer. Weymouth will be able to comment on the ENF. Staff understands that Forest Street is getting a temporary signal. There are other things in flux because of Union Point. Some of that material is in the report. Vice Chair Joyce asks about vehicles taking a left and coming up to the intersection at Grove and Columbian. Do we know what percentage is going towards Weymouth vs. towards Braintree? Mr. Bowan states their expectations are that 58% of traffic would be turning left at the access road; as they get to Grove Street, 9% will head up Grove Street towards Liberty Street, and 47% will go to the right towards Route 18. They expect that 42% of traffic will be turning right out of site, and of that 42%, 9% will turn onto Forest Street and 33% will proceed down Columbian Street.

Vice Chair Joyce asks about potential mitigation on sidewalk situation. She states there is not much protection for a pedestrian on Columbian Street. Mr. Bowan states the existing sidewalk runs halfway up the site access road from Columbian into the site. It does not intersect sidewalk on Columbian Street. Vice Chair Joyce makes a request to staff to look at that intersection. At the intersection of Grove and Columbian, it is very dangerous and not pedestrian friendly. Staff states this is under discussion. Vice Chair Joyce feels that we need to address foot traffic into the site of a medical facility.

Vice Chair Joyce has questions regarding drainage updates, and she mentions that due to the results of geotechnical investigation that a couple of systems were changing. Vice Chair Joyce asks the Applicant to highlight which systems are changing with regards to the infiltration vs. detention. Lisa Chow highlights the three proposed systems, two of which encountered shallow groundwater and bedrock and are being changed to detention. The third system will remain infiltration. Vice Chair Joyce asks about the parking spaces going into reserve, and where they are shown. Ms. Chow refers to sheet C1.02. The plan shows the reserve parking areas equal 61 proposed reserve parking spaces, which would not be built. Ms. Chow states they will have a revised updated exhibit to share with the Planning Board. Vice Chair Joyce asks if the existing site has any storm-water management facilities. Staff states there is existing catch basins and roof drain system, which discharges to the wetland area. Ms. Chow states there are four drainage points that the site is currently discharging to, and they are essentially maintaining that drainage pattern. Vice Chair Joyce states most of the site drainage is remaining. Ms. Chow states in the areas that are being disturbed, that is where they are proposing the deep sump catch basins, the water quality units and the detention/infiltration systems; everywhere else is not being touched.

Vice Chair Joyce asks about estimates for additional sewage generation and water consumption to the site. It was reported to be 11,000 gallons per day additional discharge to the sewer system. Has there been discussions with Water & Sewer Department with regards to the increase in discharge and use of water. Staff states application was submitted to DPW; the only comments the Planning Department received to date were from the Stormwater Manager.

We will circle back to the individuals that haven't submitted comments yet and would ask the applicant to be in touch with Water & Sewer to talk to them about their increase. Vice Chair Joyce if there are any proposed improvements to the fire protection system for the building. Ms. Chow states the design team is looking at this and they will have more information at a later date. Vice Chair Joyce asks if there are any special requirements for a medical building. Ms. Chow states because this is a medical office there are different requirements for fire protection.

Vice Chair Joyce asks if there are any proposed improvements for the electric service or feeds to the building. Brian McKenna, Architectural Engineering and Design, advises that there would be a gut renovation for fire protection, and as far as the generator, yes because there is a portion that requires an ambulatory care setting. There is a generator being proposed for the site, which would be a belly-tank because you are required to have 24-48 hours of uninterrupted fuel source. They have begun talks with BELD about the transformer, which is in the way of things regarding relocation. Vice Chair Joyce asks, with regards to the urgent care, what type of use is that and what does that include. It is clarified that it is regular business occupancy and not 24 hours. Vice Chair Joyce asks if there are emergency services coming here. It is clarified that no emergency services come here. Vice Chair Joyce asks about this being the consolidation of other locations. How many different locations are consolidating? It is clarified that there are 18-20 practices that are relocating to this site. Vice Chair Joyce asks about the renditions and whether they were adding height to the existing building. It is clarified that there are existing skylights above stairs that they may get rid of. They want to consolidate roof-top air conditioners for efficiencies and so as not to be unappealing. Assistant Director SantucciRozzi suggests getting information on what practices are relocating to get an idea of redistribution of vehicles within the community. Vice Chair Joyce explains a lot of good information was provided tonight; it is a good use of the space being left vacant by the Lottery. We are looking to continue this to the next meeting.

Member Downey **MOTION** to continue this Hearing to the Planning Board meeting on July 9, 2019 at 7:15 PM; seconded by Member Mikami; voted 4:0:0.

Chair Harnais returns to the meeting.

**CONTINUED PUBLIC HEARING**

**144 Allen Street – File #19-04**

**Applicant: 144 MPB Nominee Trust**

**8:29 PM – Five Planning Board Members participated. Member Baker is not present for this Hearing, and Alternate Member Hector Erinna will be voting on this Hearing.**

The Applicant has asked that this hearing be continued, without testimony, to the Planning Board Meeting on Tuesday, July 9, 2019, at 7:15 PM.

Member Downey **MOTION** to continue this Public Hearing to the Planning Board Meeting on Tuesday, July 9, 2019 at 7:15 PM; seconded by Member Joyce; voted 5:0:0. Member Baker is not present for this Hearing; Alternate Member Hector Erinna voted on this matter.

**CONTINUED PUBLIC HEARING**

**16-18 Pearl Street – File #05-06**

**Major Modification of Special Permit/Site Plan Review**

**McDonald's USA LLC**

**8:31 PM – Five Planning Board Members participated. Member Baker is not present for this Hearing, and Alternate Member Hector Erinna will be voting on this Hearing.**

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**Present for the Applicant:  
Jim Cranston, Bohler Engineering**

Jim Cranston, Bohler Engineering, explains that they were here back in March to explain the remodel. They have since gone back to the drawing board to address most of the comments that were given that night. The first area was to address the non-compliance with the impervious site area. They have brought that into compliance by adding two landscape islands in front of the building, which will be grass for ease of maintenance. The second item related to landscaping was to add a variety of shrubs at the rear of the building, near the drive-through feature so that it has dressed up the lot. They have also added some plantings in the front of the building, as well as near Washington Street with the addition of a tree. They have added 18 deciduous shrubs, 20 evergreen shrubs, 47 day lilies, 35 ornamental grasses and a red maple tree. They have asked the contractor to restripe the parking areas that were not getting reconfigured. They have addressed tree pruning to the rear. They did go through a drive-through stacking study. Over those two days, 13 cars were the maximum found in the drive-through. They found that cars were not clustering close enough. They will be posting a sign that asks people to pull forward to minimize gaps. The new drive-through features provides a screen to confirm order, which may help with order errors. They think it is best to leave the existing entrance drive the way it is.

Director Stickney states at the last public hearing there was a discussion about the appearance of the property, and we asked that a representative from McDonalds be present. Director Stickney states they have definitely improved the area, particularly at the corner of Washington. Mr. Cranston states there is an area Operations Supervisor that can address the parking lot.

Member Joyce asks about the cones across the existing side parking area. The McDonald's Operations Supervisor states they found that the parking lot is being used by general businesses in the area. They open the area for customers. Member Joyce questions the efficiency of this area. Mr. Cranston advises that this area works today, and they are trying to maximize the amount of spaces on the site. Member Joyce feels like if there is any opportunity to improve that area, we should use it. The McDonald's Operations Supervisor states they have been trying to work with employees to ensure they use those spots for parking. Member Joyce asks if there is lack of parking for customers. The Operations Supervisor states with access to side parking there are no issues, but if other drivers that are not customers use parking there is a problem.

Member Joyce brings up the issue of pruning the tree. Mr. Cranston states the construction manager for McDonalds consulted with the property owner of the tree.

Director Stickney discusses that they lost 3 spaces with the addition of the two handicap spaces and the aisle; Mr. Cranston states they have 38 existing spaces and there will 38 spaces after construction. There is discussion about the 3 spaces for 2 "order not ready" and 1 for mobile orders. Member Joyce asks if restricted uses impact total count for parking spaces. Member Joyce would like there to be some thought about the parking.

Director Stickney states the bigger issue is the queuing line hanging out into Pearl Street. She also addresses exiting the site and taking a left. Director Stickney suggests "hatch marks" to prevent drivers from blocking the exit. Director Stickney states moving ADA spots is an improvement. They are giving the overall site an upgrade. Member Joyce would not recommend boxing out (hatch marks) on the roadway in the exit, as it is a benefit to McDonalds but not to the town. Member Joyce would like for the parking area to be better managed.



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Member Downey asks about the tree being pruned. Mr. Cranston states the Regional Manager for McDonald's consulted with the abutter, and there was mutual agreement on the resolution.

Member Mikami states queuing up to get in and out is a problem. Member Mikami suggests a condition that allows for revisiting this situation, as there are perpetual traffic issues at that location. It needs to be done better. Director Stickney states this is a Major Modification; there are conditions that we are pulling forward and we can add to them and ask to revisit this in a year, if the Planning Board so desires. Director Stickney suggests moving forward to conditions at the next meeting.

Chair Harnais opens discussion to the public.

Richard Wentzel, resident of Braintree at 74 Spring Street, confirms what Member Mikami stated that this is a major choke point in the town, which is due to the entrance and exit at McDonald's. Mr. Wentzel refers to Rite-Aid's entrance and exit and suggests that McDonalds have an entrance on Pearl Street and exit onto Washington. Chair Harnais and Staff discuss the difficulties of the potential location for exit onto Washington Street because of the close proximity to the corner.

Member Downey **MOTION** to continue this Public Hearing to the Planning Board Meeting on Tuesday, August 20, 2019 at 7:15 PM and move forward with conditions; seconded by Member Mikami; voted 5:0:0. Member Baker is not present for this Hearing; Alternate Member Hector Erinna voted on this matter. It is clarified that the Public Hearing is not closed so that there can be dialogue on the conditions.

#### **NEW BUSINESS/OLD BUSINESS**

**Approval Not Required Subdivision Plan – 54 Cochato Road/Plan 2033, Plot 36**

**Gabriel Homes Co. Inc., Applicant**

**8:55 PM – Five Planning Board Members participated. Phillip Baker is not present for this meeting; Alternate Member Hector Erinna participates.**

**Present for the Applicant:  
Gary Gabriel, Applicant**

Staff Planner, Connor Murphy, explains that on May 22 we received an Application for Approval Not Required; under Rules and Regulations for the Town of Braintree, we need to act on this within 21 days. Along with the Assistant Director, Mr. Murphy has been working with Mr. Gabriel on the design of the lots. We require Mr. Gabriel some planning revisions; the updated plan is with the file currently. He was asked to add a zoning table to show the appropriate amount of frontage and lot areas, as well as the width and the depth. The four proposed lots, on 102,914 square feet of land, do meet the required 50 feet of frontage and the 15,000 square feet. We do have a memo from Assistant Town Solicitor John Goldrosen. With this application, the old zoning applies and is still effective.

The Applicant, Gary Gabriel, states middle lot falls under old zoning bylaws for setbacks; they did that so that they could keep the existing structure. Assistant Director SantucciRozzi explains that staff clarified some questions that the Applicant had with Attorney Goldrosen, who explained that the lots are protected because they are held in common. Mr. Gabriel is going to pursue the house with 50 feet of frontage first. The lots that have 75 feet of frontage and 7,500 square feet have protections. Mr. Gabriel has put some of those lots into that category because of the time limitations. He has configured them so that he doesn't lose those protections, as outlined in John Goldrosen's memo. They are very nice lots in a very nice neighborhood.

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Member Joyce points out typo that needs to be corrected on plan where it states 75 feet as the minimum lot frontage; it should be 50 feet.

Chair Harnais asks on Lot 1, in order to build a structure, will you require variances. Mr. Gabriel states no. Chair Harnais is asking because it is an odd shape lot.

Member Mikami asks staff about Lot 1 and the driveway. Assistant Director SantucciRozzi states Lot 1 is new zoning; Lot 2 is old zoning and Lot 3 is new zoning. Assistant Director SantucciRozzi states if they have frontage, they are entitled to endorsement. We have the note on the plan that endorsement of this plan is not endorsement of zoning compliance. Member Mikami asks if these would all be single family homes. Assistant Director SantucciRozzi states yes they would.

Assistant Director SantucciRozzi mentions there are a few things that need to be tightened up on the plan. Mr. Gabriel will need to sign an extension because we need to file a decision tomorrow in order to meet the 21 day requirement, and Mr. Gabriel needs to bring back a corrected mylar. At that point, Member Mikami, as Clerk for the Planning Board, will be called to sign the mylar and decision. The Planning Board could vote to endorse the plan tonight conditional on receiving the updated mylar, or you could wait to get the mylar. The items that need to be added are utilities in the street, which don't impact the lot configuration, and she needs to review the table to make sure all of the numbers accurately reflect the dimensions of the proposed lots.

Member Erinna wants to wait for final drawings.

Member Downey **MOTION** to continue this Hearing to the Planning Board meeting on July 9, 2019 at 7:15 PM to await receipt of the final drawings; seconded by Member Mikami; voted 5:0:0.

**CONTINUED PUBLIC HEARING**

**236-240 Wood Road – File #17-12**

**Special Permit and Site Plan Review**

**Logan Communications, Applicant**

**9:06 PM – Five Planning Board Members participated. Member Baker is not present for this Hearing, and Alternate Member Hector Erinna will be voting on this matter.**

**Present for the Applicant:**

**Thomas Moriarty, Moriarty, Troyer and Molloy**

Director Stickney mentions that Logan Communications is here this evening to provide an update, as this matter has been continued a number of times. The Director has listed the continuances in the file, and she notes that our Town Solicitor has been working with the Applicant. The Director felt that it would be appropriate for the Applicant to provide an update on what has been happening since the last time we met.

Attorney Thomas Moriarty, representing Logan Communications, explains that there are and have been two outstanding issues with the application. The first relates to the Development of Impact Fee Agreement with the Mayor's Office, and the second relates to the concerns that have been expressed by the Fire Department from a year ago. Attorney Moriarty's office has been in touch with the Mayor's office in connection with the submission of and further modification of the proposed Development of Impact Fee Agreement, which is required pursuant to Section 135-910(05). Attorney Moriarty's understanding is that a red-lined version of that agreement has been provided to the Mayor's office, and the Mayor is taking that under advisement.

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With regards to the concerns from the Fire Department, the Applicant was assured some time ago, from the Fire Department's perspective, that there was nothing that could be nothing done to address the concerns of the Fire Department relative to the hydrogen station. There have been further communications with Deputy Chief Sawtelle. On May 29<sup>th</sup>, Deputy Chief Sawtelle provided Attorney Moriarty's office with three (3) options to address their concerns: (1) relocate the billboard so that it is not directly in line with the hydrogen station; (2) reduce size of the billboard faces; or (3) construct a barrier or canopy over the hydrogen station. From the Applicant's perspective, the first two options were not feasible. The only feasible option was the construction of either a barrier or a canopy. The landlord has reached out to his engineer; the engineer has come up with an idea to create a cage or reinforced steel barrier adjacent to the hydrogen station. We hope it will address the Fire Department's concern. There is no indication from the landlord as to when we can expect the design to be provided nor when we will be able to present that design to the Fire Department. Attorney Moriarty advises that right now they are waiting for the Mayor's office with regard to the Impact Fee Agreement and the design proposal from the landlord's engineer regarding the hydrogen station.

Chair Harnais states we need to put this to rest as this has dragged on, but he understands it is not Attorney Moriarty's fault. Chair Harnais states the Planning Board has to conclude this.

Kenneth Ingber, Trustee and Attorney for 290 Wood Road (the immediate abutter), explains that he filed a public records request to the Fire Department and Mayor's Office to determine what documentation is available between October 2018 and May 22, 2019 because there was a letter from November saying we have these issues with the Mayor's Office and the Fire Department. There was another letter in May saying they were still working with the Mayor's Office and Fire Department. Attorney Ingber did not get a response yet from the Mayor's Office, but the Fire Department has no documents. Attorney Ingber expressed that it seemed like the Applicant was in active discussions with the Fire Department, but there was no correspondence supporting that. In addition, there has been a little back and forth with the Applicant regarding the need of a variance from the Zoning Board. Attorney Ingber has done a little investigation and it appears that when the hydrogen station was approved in 2015, the original plan was for a modular item, which looks like a trailer. That is not what they built; what they built was something considerably larger. According to Attorney Ingber's calculations, they are over the lot coverage. Attorney Ingber feels, in order to do anything further, they need a variance even just for the pole for the billboard. A larger hydrogen station was built than the modest-sized project that was approved. Attorney Ingber asks the Planning Board and staff to look into that, and he is happy to provide some additional information on that.

Director Stickney states there was a Grading Permit needed for the hydrogen station. There was no requirement for an As-Built Plan. Assistant Director SantucciRozzi believes they went through Fire Department, Building Department and Licensing. Director Stickney states we can look back to materials; however, if the structure was built bigger, that is a Building Department issue if it wasn't following the plans.

Member Downey **MOTION** to continue this Public Hearing to the Planning Board Meeting on Tuesday, August 20, 2019 at 7:15 PM; seconded by Member Mikami; voted 5:0:0. Member Baker is not present for this Hearing; Alternate Member Hector Erinna voted on this matter.

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

The meeting adjourned at 9:20 PM.

Respectfully submitted, Louise Quinlan, Planning/Community Development