



**Mayor
Charles C. Kokoros**

Department of Planning and Community Development

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PLANNING BOARD

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Darryl K. Mikami, Clerk
William J. Grove, Member
Thomas M. Kent, Member
Jennifer Connolly, Alternate

Approved – October 11, 2022

Braintree Planning Board – Tuesday, June 14, 2022, at 7:00 PM – Cahill Auditorium

Present:

Ms. Erin Joyce, Chair
Ms. Kim Kroha, Vice Chair
Mr. Darryl Mikami, Clerk
Mr. William J. Grove, Member
Ms. Jennifer Connolly, Alternate

Melissa SantucciRozzi, Director
Connor Murphy, Zoning Planner

Absent:

Mr. Thomas Kent, Member

Chairwoman Erin Joyce calls the meeting to order at 7:00 PM with an introduction and explanation of the process for participating in the public hearings. Chairwoman Joyce then states that five members are present. Four (4) full members (Chairwoman Joyce, Member Kroha, Member Mikami, and Member Grove) and one (1) alternate member (Jennifer Connolly) are present this evening. Member Kent is not in attendance but will enact the Mullin Rule for any applicable hearings he is unable to listen in on this evening. He will then be able to participate at the next meeting. Member Connolly will be participating in all matters this evening. Chairwoman Joyce advises that our first public hearing is not scheduled until 7:15 PM; therefore, we will jump down to the "Old/New Business" section of our Agenda.

OLD/NEW BUSINESS - DISCUSSION: MASTER PLAN UPDATE:

7:01 PM – Four Planning Board Members and one Alternate Member are participating.

Chairwoman Joyce wants to provide an updated discussion on the Master Plan, and while we have most audience members in attendance. She also wants to note that the next Master Plan Steering Committee Meeting is Thursday, June 23, 2022, at 7:00 PM in Cahill Auditorium of Town Hall.

Chairwoman Joyce advises that we did have a very well-attended community event on May 21, 2022. It was a Saturday afternoon. There was a presentation by our consultant, J. M. Goldson, which lasted about a ½ hour, and then we had stations setup around the room with lots of great feedback that the consultant is going to be compiling and presenting. Chairwoman Joyce encourages everyone to stay engaged and participate. There will be more community events. Chairwoman Joyce asks if Director SantucciRozzi would like to add any comments, as she has been very involved behind-the-scenes of these meetings.

Director SantucciRozzi advises that we will be representing the Master Plan Steering Committee at Braintree Day on Saturday, June 25th (two days after our next Master Plan Steering Committee meeting). There will be different activities and possibly a light survey presented at that time.

NEW BUSINESS – APPROVAL OF MINUTES FROM May 10, 2022

7:03 PM – Four Planning Board Members and one Alternate Member are participating. Member Kent is Absent

Chairwoman Joyce explains that there are minutes from our May 10, 2022 Planning Board Meeting proposed for approval, and she asks if there are any comments on those.

Member Grove **MOTIONS to approve** the minutes from the May 10, 2022 Meeting, as drafted; seconded by Member Mikami; voted 5:0:0.

OLD/NEW BUSINESS: Minor Modification – 1 Hill Avenue (Lot 9) – File #19-09
Clean Harbors of Braintree, Inc., Applicants

7:04 PM – Four Planning Board Members and one Alternate Member are participating. Member Kent is absent.

Director SantucciRozzi advises that Rick Grady, who was representing Clean Harbors, was advised to arrive at the meeting at around 8:30 PM; however, the Director can cover the presentation, as it is straight-forward. The Director advises that there was a letter and sketch in the Member packages, along with an updated parking calculation. The Director did not prepare a Staff Report because this is so straight forward. The Board approved the building two years ago, and there was a large open-overhang area. They are looking to close in the overhang. The Director advises that she and Connor Murphy went out last week and did a quick site visit. She advises that it is very straight forward. The small 30X20 area, instead of having a roof and two sides, will have four sides and a roof. They already have additional parking, so they don't have to add more parking spaces.

Member Mikami has no comments or questions.

Member Kroha has no comments or questions.

Member Grove has no comments or questions.

Member Connolly has no comments or questions.

Chairwoman Joyce has no comments or questions.

Member Mikami **MOTIONS** to approve the Minor Modification for 1 Hill Avenue (Lot 9), Planning Board File #19-09; seconded by Member Grove; voted 5:0:0. Four Planning Board Members and one Alternate Member are participating. Member Kent is absent.

Chairwoman Joyce advises that the first public hearing for 25 Commercial Street will begin at 7:15 PM, and she suggests that the Applicant starts setting up so that we can get underway at 7:15.

Chairwoman Joyce clarifies with Director SantucciRozzi that if any projects on the agenda for this evening go to vote, in the absence of Member Kent, Member Connolly will be participating as a voting member on those matters.

PUBLIC HEARING: SPECIAL PERMIT AND SITE PLAN REVIEW – File #22-05
25 Commercial Street, Landing Apartments LLC, Applicant

7:15 PM – Four Planning Board Members and one Alternate Member are participating. Member Kent is absent.

Appearing on behalf of Applicant:

Frank Marinelli, Attorney

Josh Katzen, Landing Apartments LLC

Christie D’Andrea, Veterinary Urgent Care Center

David Kelly, Civil Engineer

Eli Katzen, Property Manager

Dan Dumais, MDM Transportation

Director SantucciRozzi reads the legal notice into record.

Attorney Frank Marinelli appears on behalf of Landing Apartments owner of Landing 53. Attorney Marinelli provides some historical information regarding Landing Apartments commencing with the 2015 Landing Apartments approval by the Planning Board with 172 residential units and 11,486 square feet of commercial space. People were incentivized to invest in the Braintree/Weymouth Landing District, and PWED grants also provided the infrastructure to incentivize private investment. Fortunately for the Town, Mr. Katzen and his company invested in The Landing. The Decision for this project (Planning Board #15-11) contains the requirements for the building, the 172 residential units and the 11,486 square feet of commercial space (3000 square feet of which is currently vacant). Attorney Marinelli explains that the biggest challenge of the development has been to rent the commercial space. Attorney Marinelli explains that anyone that does mixed-use developments would tell you that it is difficult to rent the commercial space.

Attorney Marinelli explains that we are very fortunate to have Christie D’Andrea and her company, which is Veterinary Urgent Care Center (VUCC). The permit they are seeking tonight is a Special Permit for the veterinary use. Dr. D’Andrea’s use is emergency only. Attorney Marinelli refers to the floor plan, which shows the exam rooms, the labs, and the treatment areas. As the Planning Board knows, the Applicant started this process back in January/February when they filed with the Town Council to say that dog grooming is a use-by-right in the Landing District, and certainly veterinary services is a less-intense use. Would the Planning Board consider petitioning to make it a Special Permit? The Planning Board joined the petition along with 959 signers. Then the Applicant went to the subcommittee of the Town Council, Ordinances and Rules, in March. They approved the change. The Applicant subsequently went to the full Town Council in April, and they approved the change to allow the Applicant to come back to the Planning Board to seek the Special Permit. Attorney Marinelli introduces the development team and explains that Dan Dumais from MDM Transportation filed the Parking Supply Report that is on record.

Attorney Marinelli provides background information related to Christie D’Andrea and her company; specifically, she has a woman-owned business which began in 2017 when she graduated from Tufts University with a master’s degree in veterinary medicine. Dr. D’Andrea has now opened emergency veterinary care clinics in Plymouth, Quincy, and North Easton. The business serves primarily dogs and cats. Information about this urgent care business can be found online. Basically, the location at 291 Quincy Avenue in Quincy would be relocated to the final 3000 square feet of commercial space. This is not an intense use, as concluded by the MDM Parking Supply Report. The use proposed is less vehicle trips than an allowed retail use.

The Parking Supply Report goes on to say that the incremental traffic associated with the proposed veterinary use will cause a reduction in the vehicular activity compared to the permitted retail use, resulting in improved operating conditions at the municipal lot and driveways during the peak hours. The project came in at 45-50% less vehicle trips than were projected in 2015. You have a destination use, which is less intense than your “by right” retail uses. The conclusion of the report, the proposed conversion will result in improved operating conditions compared to the permitted project. With the veterinary clinic use, there will continue to be parking surplus. Attorney Marinelli provides an overview of the site and the process for a patron of VUCC driving onto the site. Attorney Marinelli explains they believe that this use meets so many of the purposes of the Landing Zoning District. Currently, in the Braintree-Weymouth Landing District, a medical clinic, which is a more intense use, would be allowed by Special Permit. For these reasons, the Applicant respectfully requests approval of the Use Special Permit to allow Veterinary Urgent Care Center to occupy the remaining 3000 square feet at Landing 53.

Attorney Marinelli states, in summary, they have read the Staff Report, and acknowledge that Director SantucciRozzi would like to get an As-Built Plan submitted for the project, but there is some landscaping that needs to occur with the daylighting project. This needs to be done by Weymouth. They would like that landscaping to take place before the Applicant submits the As-Built Plan. If there is a condition to submit an As-Built Plan, the Applicant would like to tie it to the completion of the landscaping by the Town of Weymouth. With regards to parking, Attorney Marinelli explains that they have the same parking layout that was approved in 2015. This is a built-out project. They are not building anything; they are just occupying. The infrastructure (the building; the parking) is all approved.

Christie D’Andrea, Veterinarian and founder of Veterinary Urgent Care Center, provides clarification related to urgent care vs. emergency care. The Applicant offers urgent care services. Dr. D’Andrea was the second individual in the United States to develop this type of model in the industry. Essentially, it is similar to urgent care for humans (i.e. not emergency surgery). Dr. D’Andrea explains that she started the urgent care in Quincy in a very small space and she details the limitations of this location. They now have three locations and are in desperate need of a much larger space. Dr. D’Andrea clarifies that they will not do overnight boarding. There will not be barking dogs late at night.

Member Mikami asks Dr. D’Andrea how much smaller the location in Quincy is compared to the 3000 square feet location at Landing 53. She explains that it is half the size. Member Mikami asks if she will be expanding from the three doctors she currently has. Dr. D’Andrea explains that she currently has a partner, and the model is pretty set at this point. They run one doctor at a time. The hours are 9:00 AM to 4:00 PM, 3:00 PM to 10:00 PM and 11:00 AM to 6:00 PM on Saturday/Sunday. The model is one doctor, four technicians and two front office workers. Member Mikami asks, based on current usage, when does the practice see the highest volumes. Dr. D’Andrea expresses that they are busy all the time. Member Mikami asks if it is by appointment, and Dr. D’Andrea explains they are “walk-in” only. There is an on-line booking system where you can register, or you can walk in and be placed in the queue to be seen. Member Mikami asks about the operational plan and whether patrons would be parking or just dropping off. Dr. D’Andrea explains that during Covid they transitioned to mainly a drop-off, and they can see more patients. There is a small percentage that prefer to be in the room with their pet. Member Mikami asked if there are parking spots or is it a drop-off area. Dr. D’Andrea acknowledges that parking is a concern in this area, and patrons do not mind walking a distance to drop their pets off. Member Mikami noticed in the conditions that there currently is no signage. Member Mikami asks if signage will be done before this is operational. Dr. D’Andrea will have to partner with the developer on that, but

she doesn't see any issues with making clear signage on where people are to park and working with the Town to alleviate the parking problem and not add to it.

Member Kroha has no questions; she expresses that this sounds like a great business model, and it sounds exciting.

Member Connolly asks about the surgery suite and how that fits into the model. Dr. D'Andrea states that in Quincy she did not add a surgery suite, but she can do surgery to help alleviate the long wait time at VCA. She explains that she has a working relationship with VCA, and patients are transported to VCA for overnight monitoring. Member Connolly asks how the radiology suite is contained. Dr. D'Andrea explains that they work with Alara Physics, who is a company that does their radiation safety plan, and her practice is registered with the state. Alara Physics does an assessment of the radiology rooms, and the room is set up according to the safety requirements.

Member Grove asks if there are residents above the facility. Dr. D'Andrea explains currently no, but there would be at the Landing location. Member Grove is wondering if any consideration was given in the exam rooms for sound. Dr. D'Andrea explains they are soundproofed with top quality material. They are in contract with a similar space in Dedham at Legacy Place, where there will be residents above the clinic.

Chairwoman Joyce asks the Director to provide a brief overview of the Staff Report. Director SantucciRozzi explains that the Staff Report is lengthy as she wanted to make sure she hit upon the various sections in the Braintree-Weymouth Landing Ordinance. Most of the comments revert to the decision and plans for the construction of the building. The first comment that needs to be taken care of is on page 5 related to dumpsters in the parking lot, which need to be enclosed. The Director explains that in the Landing District all signage is subject to Administrative Site Plan Review. Signage can be wrapped into any approvals granted so that the Applicant doesn't have to come back again. Most of the rest of the Director's comments are related to parking. She did question the space highlighted by Attorney Marinelli on the drawing to be the loading space. As that space is already there, the Director asks what that space is currently used for. Attorney Marinelli explains that he has not seen a car in the space being referenced. The Director hasn't seen parking in that space either. She suggests that, as we go through this process, there is signage related to drop-off area. The Director reiterates that most of her comments are related to parking, and Mr. Katzen had shared information when working on the zoning amendment for use, and those materials were not submitted as part of this application. If the material needs to be considered as part of this application, it should be submitted along with it. Planning Staff does not add materials to application packages. The Director thinks the parking analysis provided by MDM needs a looked at. It was done with the assumption that there are 76 parking spaces, which counts all the parking spaces in Weymouth, as well. The Director doesn't think it is appropriate to utilize the spaces from other communities in this analysis. The Director draws people's attention to Figures 4 and 5 of the Parking Report. You can see the number of spaces and the demands. The Director doesn't believe any of the retail in Weymouth has been occupied yet, and she is uncertain as to whether the Weymouth units have been occupied. She is trying to get an understanding of whether there is anything on the Weymouth side that would be using any of these parking spaces.

Chairwoman Joyce mentions that the Staff Report noted six vs. twelve spaces for the use, and she asks what the requirement is. The Director clarifies that the retail would have been six spaces and the animal clinic requires twelve spaces. The Director explains there are no concerns about trip generation. Monitoring was done, and trip generation is not a concern at all. This is strictly related to parking demand and supply.

David Kelly, Kelly Engineering Group, wants to address the Staff Report and what is going on there relative to parking. He will also comment on the dumpster in a moment, as well.

Mr. Kelly explains that what is shown on the screen is the inventory, and it is true that the MDM Parking Analysis looked at the entire property. Mr. Kelly explains that, if you walked out there, you wouldn't be able to tell where the property line is. They did a full analysis of the property, and it is true that the small retail space on the Weymouth side is not occupied. The building is just completed. Without getting into the parking analysis, which MDM can address, Mr. Kelly explains that what they found was that at all times of the day, the total inventory of parking spaces is under-utilized. Mr. Kelly would like to take us through the questions of zoning and what is on the property and what may change because of this project. What has changed slightly is the Town of Weymouth has reconfigured the parking lot to make it more efficient at the back of the property. It increases the parking inventory to the numbers represented in the MDM report. There are 198 parking spaces in the garage. There are three more – two of them are utilized for the restaurant cooler; one is for general trash inside the building. There are 47 surface spaces. There was a question in the Staff Report about how those were counted, and Mr. Kelly explains that they counted them the same way that they counted the spaces when the original plan was designed. Any spaces that were partially in Braintree were counted. The total inventory on the Braintree side, including partial spaces, is 245 spaces. Of the 47 surface spaces, three are reserved for Landing staff (management of the apartment complex) and seven are reserved for Keller Williams (at certain times of the day). As a result, there are at least 37 spaces available to the public. There are 138 spaces required for the apartments (172 units at .8 spaces per unit). There are 198 spaces provided in the garage, which is a surplus of 60 spaces. Using the ratios in the bylaw, Mr. Kelly reviews the parking spaces required for the various retail locations. The net surface spaces required, after deducting the 3 Keller Williams spaces, are 34.99 spaces, where there are 37 spaces noted above. In conclusion, Mr. Kelly notes that it meets the bylaw requirements for parking, and there is a practical parking inventory provided on the property. In looking at the bylaw, the new requirement for veterinary is 4 spaces per 1000, with a total of 12 spaces. There was a category in the normal bylaw that has 1 space per 500 (under animal clinic). Based on that metric that has been in the bylaw for many years, the applicant is conservatively meeting the requirement. As Dr. D'Andrea has mentioned, this is not a business where people park for long periods of time; they park in the parking space or loading area and then they leave. Mr. Kelly's conclusion is that there isn't an issue from a zoning standpoint nor is there a practical issue.

Mr. Kelly acknowledges that the dumpsters are vagrant dumpsters in the back of the parking lot. When the Rivershed restaurant came along, they needed additional dumpsters. The management placed two dumpsters for their use, but they placed them on the Weymouth side of the property line. They have been temporarily moved to two spaces at the back of the parking lot furthest from the building. They have identified an area where there will be a concrete pad put in and a matching dumpster enclosure that matches the vinyl fence and gated area that is currently out there.

Lastly, to add some final information related to landscaping, Mr. Kelly explains that the Planning Board is holding a Bond for \$78,000 on the project so they are anxious to close out the project. They have been working with the Town of Weymouth for the last two years awaiting their completion of the daylighting project so that the Applicant can finish the limited landscaping that is needed. Mr. Kelly discusses the completion of the daylighting project and explains that the Town of Weymouth was going to wait until September to finish their work.

Chairwoman Joyce confirms with Mr. Kelly that there are 12 spaces proposed for the veterinary clinic. Chairwoman Joyce confirms that the spaces in the garage are solely for use by residents. Mr. Kelly explains except

for spaces used for coolers by Rivershed and 3 spaces for Keller Williams. Chairwoman Joyce asks if they anticipate that staff of the veterinary clinic will have access to spaces in the garage. Mr. Kelly's understanding is that there is a high demand for parking within the garage. Chairwoman Joyce asks how many employees are expected for the veterinary clinic. Dr. D'Andrea explains there are typically seven employees per seven-hour shift. There have been conversations with management for the development about having employees park in the commuter lot, which there seems to be ample parking.

Chairwoman Joyce reminds that this is a public hearing, and she invites anyone from the public to come up to ask questions or provide comments. She is not seeing any members of the public; therefore, she opens discussion up to the Planning Board for questions and comments.

Member Mikami also wondered where the employees are going to park. Member Mikami asks the Director, based on what we just heard, what her thoughts are in where we stand with parking. Director SantucciRozzi explains that her thoughts are the same as she expressed earlier. The Director welcomes an opportunity to sit down with Mr. Katzen. Staff has met with Mr. Katzen to discuss the garage, and what he had shared was different than what Mr. Kelly presented today. The Director explains they really need to identify who is parking in the garage, and she explains that the garage is locked and cannot be accessed by anyone outside the building. There are many tenants with two spaces, and the Director's understanding is that Mr. Katzen is also keeping a waiting list. The Director explains that there are peak demands that are over the available 47 spaces. During the weekday peak demands range from 49 to 54 spaces, which exceed the 47 available spaces, and on Saturday from 2:00 PM to 9:00 PM we are exceeding the available spaces. The Director is trying to understand how to meet peak demand with available spaces. Attorney Marinelli explains that Dan Dumais, MDM Transportation, can speak to this issue. Attorney Marinelli explains that those are counters of entire activity, which is not limited to Landing 53. The covenant with the Town is for public parking, as well. Attorney Marinelli feels we are working from the backside of this or from seven years out, rather than saying the inducement and incentivizing when this was built was to say here is the parking, here is the building and we comply with zoning. Attorney Marinelli points out that they meet the parking for the building and for the project. When you get seven years out, the situation is subjective, and the Applicant is not required to solve every problem in the Landing. Attorney Marinelli thinks someone from the Town should make arrangements with the MBTA related to the MBTA lots because there are 85 spaces on Quincy Avenue, and Attorney Marinelli has observed that a large number of them have been vacant during normal business hours. In the back lot there are another 183 spaces. Attorney Marinelli explains that they are looking for a Use Special Permit, and the parking provided for this development was all approved. A retail use, which is more intense, could occupy this space "by right". Attorney Marinelli explains that we are talking about one user, and her numbers are relatively less than a "by right" use. Member Mikami appreciates Attorney Marinelli's comments about the MBTA, and this was covered years ago when this project was coming up and nothing has been done. Member Mikami agrees with the Director and thinks we should wrap up the analysis and the parking and make sure that it all works. Attorney Marinelli notes that the 12 spaces substituting for the 6 spaces was adopted last year, and the original project was from 2015. There are some pre-existing circumstances. Attorney Marinelli thinks that what Mr. Kelly presented was a balanced site in terms of park, and he is not sure what more then can do within the constraints of the property. Attorney Marinelli states there is plenty of parking there when you look at the MBTA lots – it is a sea of asphalt that is available. Member Mikami states that is not part of this project, and this project needs to stand on its own. Member Mikami states we should look at it and finish it off.

Chairperson Joyce had a follow-up question regarding the counts and the spaces noted. She asks if it was always the intent that the parking garage would be exclusively for residents, and she confirms that parking was

calculated at .8 spaces per resident. Attorney Marinelli confirms that it is 138 spaces required for 172 units. There are 198 parking spaces; there are actually 201 parking spaces including the ones deducted per Mr. Kelly's chart. There was no requirement to provide the parking spaces to anyone other than the residents.

Member Kroha thinks looking at the parking makes sense. She would have concerns about requiring the Applicant to comply with the parking in a municipal parking lot that others are allowed to park in. Member Kroha would like to have a chance to review the table. She has a separate question on parking related to the drop-off space near El Sarape, is it there or is it proposed? Attorney Marinelli states it is there. Mr. Kelly clarifies that is an area that is "striped out" and no one can park there for too long as it is where the dumpsters are accessed. Member Kroha states it seems like that would cause more problems than it would solve by having a drop-off space there. Member Kroha wonders if one of the spaces near Keller Williams could be given up and marked as a drop-off only space instead. Mr. Kelly's thoughts are that there is adequate parking there. Operationally, if that becomes a problem, there is room to make a three-point turn or back out from that space. Mr. Kelly acknowledges that whether we tell them they can or not, people are going to drive down there and get out to drop off their pet. The point is that operationally there is room in the parking lot.

Member Grove was wondering if there had been any contact with the Braintree Board of Health about medical waste. Dr. D'Andrea advises that the practice has a contract with Advowaste Medical Services that handles all the medical waste for their practices. It's obviously animal waste and not human so that it is subject to different law. Member Grove confirms that it is picked up internally.

Member Connolly visited the site over the weekend, and she thinks that the public parking could be more clearly indicated. There is signage, it is high, and it's not really indicating what the expanse of it is. You cannot tell if it's the small section that's immediate to the sign. Member Connolly thinks it would be helpful, particularly to the families bring their pets, to know where it is that they should park.

Director SantucciRozzi states she touched upon this in the Staff Report, and she acknowledges that the signs are up high. Member Connolly confirms that it looks like you will be towed if you park in any of the spaces, and it may not be clear as to where you could park and not be towed.

Chairperson Joyce mentions that in the Staff Report it was noted that signage could be reviewed and approved as part of the Site Plan Review. The Chairperson asks if the Applicant anticipates presenting signage as part of this application. Dr. D'Andrea states they typically work with ID Signs, and she is meeting with them this week and she is more than happy to have them put together a sign proposal. Dr. D'Andrea clarifies that most of their online appointments are booked through an online system, and they send text messages to clients. They can certainly send clients a text message that does give them parking directions with a pin drop.

Chairperson Joyce has a question with regards to the drop-off space related to the white vinyl enclosure with a gate. She asks what is in there. Attorney Marinelli clarifies that it is a dumpster.

Chairperson Joyce asks if there is anybody from the public wishing to come up and ask questions. Not seeing anybody, she recognizes that there may be some items to continue to work towards and the development of some draft conditions. She also mentions that they need to figure out the As-Built timing. Chairperson Joyce concludes that we would be looking to continue this hearing to the July 12 Planning Board meeting.

Member Grove **MOTIONS** to continue this hearing to the Planning Board Meeting on July 12, 2022, at 7:15PM; seconded by Member Mikami; voted 5:0:0. Four Planning Board Members and one Alternate Member are participated. Member Kent is absent.

CONTINUED PUBLIC HEARING: Town Council Order #22-012 – Zoning Ordinance Text Amendment – New Section 135-616 Inclusionary Housing & Amendments to Sections 135-102, 135-601, 135-711, 135-614 and 135-705 – Mayor Charles C. Kokoros, Applicant

8:12 PM – Four Planning Board Members and one Alternate Member are participating. Member Kent is absent.

Chairwoman Joyce mentions that this matter has been continued for a couple of meetings, and she asks for an update from staff. Director SantucciRozzi advises that at the last meeting there was discussion about getting together with developers, and the Director hasn't had a chance to do that just yet. It is on her schedule to do this. She will do her best to coordinate this, get people to attend and report back to the Board. Chairwoman Joyce entertains a motion to continue this to the July 12 Meeting.

Member Grove **MOTIONS** to continue this hearing to the Planning Board Meeting on Tuesday, July 12, 2022, at 7:15 PM; seconded by Member Mikami; voted 5:0:0. Four Planning Board Members and one Alternate Member are participated. Member Kent is absent.

**CONTINUED PUBLIC HEARING: SPECIAL PERMIT/SITE PLAN REVIEW (File #22-03)
60 Columbian Street – Banner Park Campus, LLC, Applicant**

8:14 PM – Four Planning Board Members and one Alternate Member are participating. Member Kent is absent.

Appearing on behalf of Applicant:

Attorney Brian Palmucci

Karlis Skulte, CEC

Alan MacDonald, Banner Park Campus, LLC

Christopher Reale, Banner Park Campus, LLC

Andrew Arsenaault, Vanasse and Associates

Chairwoman Joyce explains representatives from Banner Park Campus LLC will be providing an update on activities since our last meeting. She also has two notes from the Mayor's Office and District Councilor Mackin that she will read into the record after the update.

Attorney Brian Palmucci responds on behalf of Banner Park Campus. Attorney Palmucci advises that this is the Applicant's third appearance before the Board, and they have covered a lot of ground during that time both in the meeting and after the meetings. After the initial presentation where there were comments from many Weymouth residents living in the area, the Applicant sought to address those concerns to lessen the impact to them. At the second presentation before the Planning Board, the Applicant presented modified plans which reflected changes to alleviate the impact on those Weymouth residents. They removed a large tractor-trailer parking area, they relocated the mechanical equipment on the roof away from them, they agreed to install a visual and sound barrier. The Applicant heard from the Weymouth neighbors again, and the Board – specifically Member Connolly – to make sure the Applicant doesn't return to the next meeting without having had a community meeting with the Weymouth residents. They have done that. On May 23rd, the Applicant participated in a very well-attended community meeting hosted by the Weymouth Planning Director. One reoccurring suggestion was that we examine the traffic impact of future uses of the site. Attorney Palmucci

advises that, while they don't have any plans for doing anything else at the site, they did take that into consideration. As a result, they have included an updated traffic assessment for review of the full life science uses at both of those buildings. They have updated the reports to reflect this assessment.

Attorney Palmucci advises that there are no changes to the footprints of either of the buildings. On May 17, the applicant hosted a site walk with Braintree and Weymouth Conservation Committee Members, as well as several Weymouth residents who attended. The Applicant participated in a June 9th community meeting hosted by Councilor Mackin, which was mostly made up of Weymouth residents, but of the few Braintree residents who were there, the concerns expressed were traffic related nearly entirely, which the Applicant believes can be mitigated through the mitigation that the Applicant would perform relative to this approval. The benefits to Braintree in terms of jobs, taxes and preservation of approximately 40 acres of open space far outweigh any of the negative impacts, as those negative impacts can be mitigated.

Attorney Palmucci advises that they had another Conservation Commission site visit earlier today, and they have also met with MEPA officials and are starting the process of MEPA review. They will also be reaching out to MassDOT to make sure that all necessary approvals are sought, and reviews are conducted. The Applicant did receive the Peer Review reports from the reviewers that the Town engaged, as well as staff comments. The Applicant believes that all the items can be positively addressed. There was nothing that they received thus far that seems like it will be very difficult to comply with or to make appropriate changes. Based upon that input, they have undertaken some additional analysis, including soil testing and some additional traffic assessments. Tonight, they would like to walk through the current plans, as a result of the work from the last several months.

Karlis Skulte, Civil Engineer with Civil Environmental Consultants, won't spend too much time revisiting some of the material they covered at the last meeting. There has been a robust dialogue and public involvement process since then. Mr. Skulte highlights Building A and Building B on the Site Plan and advises that a lot of the design that they have focused on was located around Building B closest to Tommy Marks Way residents. Mr. Skulte highlights the distances on the plan and mentions that the staff comments suggested to add more detail and specific dimensions to the property line. Those will be incorporated into the next set of Site Plans. They are waiting for the updated traffic peer review and materials before responding, as they want to make it a single response for ease in reviewing. Mr. Skulte notes that Building B is more than 100 feet from the property line along the easterly edge. The distance from Building B to the existing home on Tommy Marks Way is 277 feet and almost 1000 feet to the Massapaug properties. It is approximately 84 feet edge of the fence to the property line when measured perpendicular from the edge of the project. It is well over 1000 feet to the condominium owners.

One of the elements that they did start, while waiting for the results of Peer Review, was additional soil evaluations, which they needed to get some additional information on. They performed 22 additional test pits to observe the underlying soil conditions for the stormwater management design. The results of that additional test pitting will be incorporated into the revised Stormwater Management System Design and will be coordinated with the Town as well as the Peer Review Consultant to ensure that the stormwater system is designed effectively.

Mr. Skulte advises that they did take another look at the height of the fencing and landscape screening that abuts the areas closest to the Tommy Marks residents. The Applicant heard the comments loud and clear, so they are committing to raising the height of the fence and changing the materials. They did some sound analysis and some light trespass analysis to identify and help them design that. They will be proposing a ten-

foot fence, and it will be one-inch thick, which will provide better sound buffering than a PVC. It will be a better visual screen, as well as a noise barrier. That will be supplemented with additional landscaping.

They are working with a Landscape Architect, as well as Garrett Tunison, a wetlands consultant, to identify good species that will grow fairly densely and provide a better visual barrier.

Some additional changes with the revisions are pulling back the paved areas. They eliminated the outdoor trailer storage area. They provided additional opportunities for wetland enhancements. As part of the filing with the Conservation Commission, they have identified areas outside of the limits of the upland tree and planting that would be performed to comply with the Conservation regulations or the Wetland Enhancement Areas. In the area closest to the Building B loading area, which was eliminated, they were able to provide a much more robust landscape enhancement area, which is identified in the updated Conservation Commission filing.

In addition to the changes mentioned, they will be providing a comprehensive response to the Peer Review comment letters received to date that addresses the stormwater, the site, the loading, and the circulation. That will be provided to the Town within the next two weeks in preparation for what the Applicant hopes would be the final hearings of the Planning Board and Conservation Commission.

Andrew Arsenault, Vanasse and Associates, wants to give an update on the transportation impact assessment and the peer review process. They prepared an updated analysis showing the same CGMP uses on both buildings to cover the flexibility within the study area. They have circulated that assessment to the town and the Peer Reviewer. The site with the two CGMP uses does generate more traffic – about an additional one and a half more cars every minute during the peak hours but does not change the overall findings of the study they presented earlier. The corridor is operating under some constraint right now. Regardless of the project, with or without it, it's going to continue to operate under some constraints. This project isn't the root cause of those problems. Mr. Arsenault will leave the discussion regarding mitigation to other, but his recommendation was and still is to provide funding to the Town to pursue some of the improvements that have been designated in the finalized report. With more traffic from the project, there would be a more significant increase in the investment. Others will discuss the mitigation measures. The second item Mr. Arsenault wants to update the Board on is the Peer Review process. They have been in contact with the town staff and MDM, and they are aiming to provide a formal response before the July hearing. The preliminary comments on their February transportation impact assessment were relatively straightforward and nothing should change the technical aspects.

Attorney Palmucci advises that is where they stand at this point. As a result of the Peer Review Report, they were asked to study an additional intersection relative to some cut through traffic. That was completed today. All this additional information will be contained in their response letters to the Peer Review Reports. They are happy to take any questions or comments from the Board.

Chairwoman Joyce mentions that with regards to the Peer Review, the Town of Braintree is doing a Stormwater Peer Review and a Traffic Peer Review. It is also her understanding that the Town of Weymouth is also doing independent reviews. Chairwoman Joyce asks the Applicant if they anticipate that they will formally respond to all those reviews. Attorney Palmucci states they have no plans to respond to the Weymouth Peer Review unless it contains something that everybody missed and logically requires a response. Attorney Palmucci advises that he hasn't been told that the Weymouth Peer Reviews are done, nor have they been provided to him, nor have they been requested to provide a response. To date, he hasn't seen the Weymouth Peer Reviews.

Chairwoman Joyce thinks they might have a copy of one of them, but she is going to ask the Director to provide an update from the Planning Department's end.

Director SantucciRozzi advises that she has been talking with Karlis Skulte quite a bit, as well as with Attorney Palmucci and Mr. Arsenault. They have had a couple of meetings, and she advises that quite a bit of progress has been made. The Director has issued her Staff Report, and because of the Peer, she kept it to the non-drainage and non-traffic related issues. As mentioned by Mr. Skulte, all the Director's comments are addressable. Her comments basically go through the ordinance to make sure all the boxes are checked. The Director advises that Deb Keller, the Stormwater Peer Reviewer, has issued a first memo as well as an updated one that brought in some wetland issues. They have been shared with both boards. The Applicant is working on a response to that, as they are working through the plans. The Director wants to make it clear that we don't receive four revisions. As we work through the comments, the Applicant will make those revisions as we move along and then they will submit a full, complete revised set that addresses everybody's comments to date. On the traffic side, there was a meeting last week with the Applicant's team, the Director, and the Peer Reviewer. Bob Michaud, the Traffic Peer Reviewer, couldn't be with us this evening; he had done an initial review, but he hasn't had a chance to summarize last week's review in writing. Hopefully, we will be getting that shortly. Now is the time when we get the final drawings, get the questions and comments addressed and answered, and then put it all together. We will be having discussions on what traffic mitigation is going to look like. The Director is allowing the Conservation Planner and the Conservation Commission to have the jurisdiction to get into the wetland side of things. The Commission was at the site today addressing questions of vernal pool and locking down those locations. The Director states it is starting to come together, and the details are starting to be supplemented and more information is coming forward. The Director looks forward to getting the final plans and the final peer review reports. The Director advises the Applicant that the sooner staff has the drawings the sooner staff can get those out to the peer review partners to get any additional comments. The Director anticipates that there will be some comments from Board Members this evening and some new comments from the public. We have heard several comments from the public, all with a similar theme. If the hearing is continued this evening, staff will get all materials together, make sure everything is in order and start to work towards wrapping this up.

Chairwoman Joyce states this is an open Public Hearing, and she wants to take the opportunity to invite anyone from the public who would like to make further commentary on the project. She would ask that you try to draw attention to any new concerns that you have or any new updates. Please try to present any new information. Before we get into public comment and Board comment, the Chairwoman is in receipt of two letters that she would like to read into record.

One letter is a follow-up to the community meeting held by the District Six Town Councilor Lawrence Mackin, who apologizes for not being able to make it to this evening's Planning Board Meeting. He did ask that they be read into record and shared. Councilor Mackin's note is to the members of the Braintree Planning Board: "***This project is located in my district, and I would like to state my full support for it. I have met with the Banner Park representatives several times, and they also joined me at a constituent's meeting to answer questions. They have been considerate about my concerns and are dedicating land to the town to ensure that an adequate buffer of land always stays between the development area and Braintree neighborhoods. Additionally, they even took my suggestion to create a dog park for the town. Lastly, I want to state that I believe this project will create an excellent source of revenue for the Town going forward. Thank you for your time, Lawrence Mackin, Braintree Town Council-District 6***".

Then, Chairperson Joyce has one more note from the Office of the Mayor of Braintree; it is addressed to Erin V. Joyce, Chair regarding the 60 Columbian Street – Banner Park Project:

“Dear Chairwoman Joyce and members of the Planning Board, I am writing today to express my support for the proposed development at 60 Columbian Street, known as Banner Park. This project presents an opportunity to advance a long-time underutilized property into a campus style development suited for biotechnology and industrial use and, in turn, provide a multitude of benefits to the neighborhood and our community as a whole.

Bringing life science and bio tech to Braintree has been a goal of my administration and, most recently one that has come to fruition with the relocation of Integra Life Sciences d/b/a TEI Biosciences to Wood Road. Banner Park will create further opportunity for this type of redevelopment in Braintree and will only serve to enhance the many unique benefits we have to offer here. Additionally, the renovation and expansion of the existing structure, along with construction of a new building, will provide increased revenue to the Town through one time permit fees and reoccurring increased tax revenue, while also creating new job opportunities for our residents.

In addition to the commercial value brought forward by this project, the plans will also enhance the adjacent open space by preserving more than 40 acres of land for walking trails and conservation area. This will allow residents and members of the neighboring New England Wildlife Center to continue to enjoy this property in conjunction with its redevelopment.

I am excited about this project and look forward to working with the development team as they move forward in the permitting and construction process. Please do not hesitate to contact me if you have any questions. Sincerely, Charles C. Kokoros, Mayor”

The Chairperson states that if anybody from the public would like to ask questions or make comments, she welcomes you to come up to the podium at this time. Just as a reminder, please state your name and address for our note keeping record.

Deanna Murphy, 77 Tommy Marks Way, Weymouth, provides pictures of her property. She comes to us not only as the closest abutter to this project but also as a Braintree businesswoman and a Braintree commercial property owner. She has operated her business in Braintree for over 10 years. Her business is an eco-friendly hair salon that diverts over 95% of their waste, compost and give back to organizations that preserve nature. You can see how this development is very close to her house but also against her core values and the complete opposite of her daily mission as a small business owner trying to give back to her community. She understands this is a Special Permit being applied for. She asks if Braintree has given out a Special Permit for life science biotech before. The Director answers that “yes” Braintree has. Ms. Murphy asks if there were any guidelines or restrictions for that previous Special Permit. The Director advises that if anyone is looking for copies of any decisions, they can be supplied through a FOIA. She doesn’t have files at this meeting. Ms. Murphy asks, if this Special Permit is granted, can restrictions be placed on it. Chairperson Joyce states we always have the ability to draft conditions as part of what the Planning Board is doing. Ms. Murphy asks if there are any other manufacturing warehouses in Braintree and does the Planning Board know if they have restrictions. Her question is: are there operation hours restrictions, buffer from residential restrictions? If possible, she would like the Planning Board to be able to put restrictions on the Special Permit. The residents are asking for a 500-foot buffer from residential property, hours of operation to be normal hours, 18-wheeler loading and unloading time restrictions. Ms. Murphy refers to the presentation done by Flower Express at the

Planning Board's last meeting where they were asked numerous questions about their business, details of their operation hours and more. Ms. Murphy stated it was presented for a 500-foot buffer to residential for cannabis. Why not for potentially harmful chemicals?

Ms. Murphy states they have put a request out twice to the developer, once at the Weymouth hosted meeting and again last week at the Braintree Town District meeting, and their proposal was regarding the lack of buffer, sounds, noise, and privacy issues. Ms. Murphy presents that all those did not get mitigated at all. She once again asks for a 500-foot buffer, that the developer remove or move the loading docks, and a bigger privacy wall. She recognizes that the developer has proposed the addition of four feet to the privacy wall, but she is not an engineer so she doesn't know how much wood would keep out the sounds of loading docks. She advises that they were told they would not get a 500-foot buffer or the removal of loading docks, and she presents that although the developer states they are willing to work with the residents, it does not seem like they are. She has invited them to come to her house to see how close the project is, and the developer did not respond. The invitation is open to the Board, as well. When the residents asked why so many loading docks or why they couldn't be downscaled, Alan McDonald said chemicals cannot be mixed on the loading docks. Ms. Murphy asks what chemicals? What is that going to do to our air quality if they can't even be put on the same loading dock. Ms. Murphy states if a 500-foot buffer is needed for cannabis, she would assume a 500-foot buffer for hazardous material should be in place for residents. Ms. Murphy states that the parking lot for 18-wheelers and loading docks is 13 feet above grade from her house looking into her backyard. She has a pool, and states, as a woman, having 18-wheelers and loading docks looking into her backyard is very uncomfortable. Her backyard is where she spends 99% of her time with her family when she is not working. She doesn't believe a 10-foot fence is going to mitigate that. A new issue that just arose the last time they spoke was a connection of the walking path from the Wildlife Center to this property. This would be five-feet from her fence – so the buffer she did have will now have a walking path in it. Her fence is at grade, and you cannot see her pool. She feels this is a huge privacy and safety concern. Being a woman in a bathing suit with her child trying to enjoy their pool while having strangers five feet from her fence looking down into their yard is very concerning. Safety-wise, a person could fall into their yard with their in-ground pool right there. That is a huge safety concern. They also have a dog who is outside with them in their fenced-in yard. Another dog walking along the path would easily be able to jump into their yard. This could prompt an increase in their homeowner's insurance. Along with the pool safety concerns and privacy concerns, there is a huge concern of people being able to now access her yard so easily, which makes her feel unsafe. A 500-foot buffer and relocating the loading docks would mitigate many of these issues.

Ms. Murphy asks if Braintree has any buffers in place for certified vernal pools. The Director explains that there is in the state wetlands protection act; she is unable to answer the local bylaw right now. Ms. Murphy confirms that the Braintree has a 25-foot buffer from wetlands, but she feels that it is 2022 and we can do better. Ms. Murphy asks if anybody has notified the Town of Holbrook because they are an Environmental Justice Town. Newly updated regulations as of March 2021 state that any project with a mile of Holbrook or any project that could affect the air quality within five miles of Holbrook would be subject to a MEPA review. Ms. Murphy states that this project falls under that from Chapter 8, Section 56, and she references wording related to "an environmental burden" from the newly updated regulations (March 2021). Lastly, she reads an excerpt from the Constitution of the Commonwealth of Massachusetts, Article 97, whereby it states that ***people shall have the right to clean air and water, freedom from excessive and unnecessary noise, natural, scenic, historic and aesthetic qualities of their environment, and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.***

In closing, Ms. Murphy asks that the Planning Board deny the Special Permit, and if you do approve it, she requests that stipulations be added for buffer and noise.

Chairwoman Joyce asks that the clapping be omitted, as it is a distraction to the Board; the Board takes these comments very seriously.

Michael P. Devlin, who has been a resident of Braintree for 40 years, and 29 years at 1648 Liberty Street, states that over the 40 years he has seen an increase in traffic. Mr. Devlin went to the neighborhood meeting last week, and he expressed his concern about traffic to the development team. Mr. Devlin confirms with Andrew Arsenault that there will not be a significant increase in traffic. Mr. Devlin has heard that there will be 19 loading docks. This is confirmed by Mr. Skulte. Mr. Devlin wonders wouldn't you think that would increase traffic? Mr. Devlin concludes that we will have tractor/trailers and more cars on Grove Street. It will increase traffic. Mr. Devlin thinks with the addition of this project it will be harmful to the citizens and to our children. Mr. Devlin is totally against it. He feels the traffic is getting out-of-hand, and it needs to stop. As a resident, he feels compelled to be here tonight to voice his concern about the traffic and tractor/trailer trucks on Grove Street. Mr. Devlin asks what is in the best interest of the town – money or citizen safety? Mr. Devlin hopes the Planning Board takes into consideration voting against this because he feels it is not in the best interests of our town.

Ian May, 80 Tommy Marks Way, states after all the meetings she has attended she really thought there would be some solutions and answers, as she and her family awaited patiently for each town hall meeting. Last week, from the District 6 residents public hearing, she realized the project team has no intention of working with the residents. Some of the requests have been to scale back an additional 500 feet from their backyards, remove one of the loading docks on Building B to provide more privacy and less disturbance to nearby residents. All requests got a response back of a firm “no”. The residents are not really asking a lot compared to this huge project that is taking so much away from them. Ms. May understands that it is the developer's land to build, however, the residents have a piece of land that they own living right behind this project. It is not fair to think that their voices are not being heard enough. Ms. May wants to mention that at the Weymouth Public Hearing someone brought up the topic of protective species. Ms. May states they have a lot of salamanders in the area, and she wonders if anyone has investigated this aspect yet. She sees them every day near her property and in her neighborhood. Also, Ms. May advises that the revised proposal was not enough. The 18-wheelers that run 24/7 are just not acceptable for residents living too close. Ms. May doesn't think any resident should have to deal with this in their backyard. Families will have lack of sleep, and kids need to go to school the next day with sleepless nights. Ms. May is not convinced that the project team can revise their planning, and she hopes that the Town of Braintree can reconsider all these problems the residents are facing.

Ray Miyares, Special Counsel for the Town of Weymouth, with office address at 40 Grove Street, Wellesley, wants to clarify about the Peer Reviews that are being conducted on behalf of the Town of Weymouth. Attorney Miyares advises that the Peer Reviews were done and signed off on, then they learned that the project had some revisions. Rather than submit out-of-date comments, they decided to pull them back and Peer Reviewers are at work with the hopes of getting new comments to the Planning Board soon. As a preview, Attorney Miyares thinks it is fair to say that their Traffic Peer Reviewers believe that the traffic study area is too small and does not include enough intersections, specifically in the Town of Weymouth. There will be some suggestions that need to be considered on that score. With respect to stormwater, there was a principal comment that there needed to be test pits and soil tests done. Attorney Miyares acknowledges that it sounds like they have been done. The Weymouth Peer Reviewer team will be reviewing those to see whether they support the stormwater analysis. Attorney Miyares states they are hoping to get comments to the Planning Board prior to the next Planning Board meeting. Attorney Miyares thanks the board and appreciates their help.

Dave Morgan, 40 Tommy Marks Way, Weymouth, has a few quick points. He has gone to all the meetings. Mr. Morgan states there was a huge discrepancy between the traffic study done by the Town of Weymouth and the one by the Town of Braintree related to the volume of number of cars. Another item Mr. Morgan has not heard a lot about is the effect on the water table by moving hundreds of mature trees and paving over and putting up a building. Mr. Morgan states it will have a significant affect on stormwater drainage. Mr. Morgan refers to enhancement areas where tiny trees are planted to replace the bigger trees, and he is not sure that really helps with the drainage. Mr. Morgan states one item not talked about is wildlife living in that area, and he presents a picture of baby deer for the record. That wildlife does not have a voice. Mr. Morgan states the number of loading docks are significant, and he wonders what is going in there that needs that many loading docks. Mr. Morgan states that alone is a concern, and his final point is that he feels it is just too big – a 270,000 square foot warehouse is humongous.

Jessica Flaherty, West Street in Weymouth, lives four houses down from Route 18. She is used to some traffic in front of her house. However, she feels that 1.5 cars per minute in peak times would back up all of West Street (.75 miles). That doesn't seem feasible to Ms. Flaherty as far as having the ability to leave her house when she wants to and have her teenage daughter back out of her house safely. Ms. Flaherty mentions an incident where her children were almost hit in a crosswalk when a car stopped to let them cross and the car behind rear-ended them. It is not a safe street, and to add that many more cars is absurd. Ms. Flaherty is not sure the numbers include all the trucks that will be delivering to the new business, Amazon trucks making deliveries, office supply deliveries, food deliveries for staff, etc. Ms. Flaherty asks if the tractor-trailer trucks will be coming down West Street where they cannot take a right without stopping all flow of traffic on Route 18. Ms. Flaherty states, in Weymouth the number one employer is South Shore Hospital, and she states we cannot stop the hospital from growing. We need the hospital and all those resources available, but we don't need this. It is not a need; it is a want from the developers. She doesn't think the developers are listening to the people that live there. Ms. Flaherty wants to know if the traffic study took into consideration that the Goddard School is not open yet, and they will have a ton of traffic coming and going as parents drop off and pick up children. There will also be additional traffic because of the new and larger CVS. Ms. Flaherty is concerned with land taking in front of her house to make West Street wider and how that will affect her property value. She also expresses her concern about traffic because of the proximity of Weymouth High School. Ms. Flaherty does not support this development.

Robert Cullinane, 12 Valley Road, Weymouth, has been listening to all the comments and he mentions that his presence here is five-fold. He is the original developer, he obtained the permit to assemble the land for Tri-Con Park, he also did the same thing for Devon Woods, back in 1980-1995 he owned and operated Tri-Con Park. Mr. Cullinane has a page of comments that he hands out to Board Members. Attorney Palmucci requests a copy. Over the past ten years, Mr. Cullinane states that he has donated about 7 acres of land to the Conservation Commissions in both Braintree and Weymouth. They abut this entire park. Mr. Cullinane states he donated the land and retained the right to approve any work that gets done on his conservation previous land. He does not own any part of Banner Park. However, he is going to mention six items that are very straightforward. Mr. Cullinane refers to the MEPA permit process, which the developer is now beginning, and he explains that MEPA has a higher and much more thorough review that will take care of the parking requirements because they are segmentizing part of the project. They must go back to MEPA, and they must get their traffic studies updated. The traffic study in the MEPA report is about 900 pages. The entire 92 acres, which is what the MEPA report covers, had a complete As-Built buildout, which is a requirement from MEPA. If the proponent were to go to MEPA to get a copy of the report, it would provide a complete outline, because the report was required by both the Braintree and Weymouth Planning Boards.

Mr. Cullinane states he built the first building, and then the Braintree Planning Board decided they wanted a full MEPA Permit. Mr. Cullinane was also required to build a traffic intersection at Grove and Columbian Streets. Mr. Cullinane paid for it and had to get the permit for it. Mr. Cullinane states there is a complete Conservation Permit with all the necessary details for the entire 92 acres. It is at the Registry of Deeds and the Braintree Planning Department. The amount of work needed before an intelligent, responsible answer can be given has to be after a complete, new MEPA review and a complete, new update of the traffic study that was required on the original park. Mr. Cullinane discusses the layout requirements for fire safety. The last thing Mr. Cullinane will say is that in segmentation, even though the permits for Mass General may have been approved, the trip ends, which will probably with their 800 parking space requirements will probably require about 15-20 trip ends on at least half the cars because it is a medical facility. They have one-hour appointments with people in and out. That is one of the reasons they will have such a large parking lot. It is very simple and straightforward when a proper traffic and parking analysis is done. Mr. Cullinane states that, before he was allowed to build a second building by the Planning Board, it took him almost 2 ½ years to get the MEPA permit. He studied the traffic 3 times; the full report is in the MEPA specifications. The absolute analysis, along with the wetlands, flowers, fauna, critters, traffic, and full buildout is in the MEPA report. Mr. Cullinane states traffic has changed; when that building was first occupied and for the first eight years it was all medical. Mr. Cullinane explains that the developer is entitled to build on their land responsibly, but they cannot squeeze a three-pound bag into a two-pound area. The MEPA report covers the entire 92 acres. There needs to be a comprehensive, updated traffic study and a comprehensive review of what the entire park buildout is planned to be. Mr. Cullinane states that he will be curious to see how the developer addresses the MEPA report and the entire technical portion. Mr. Cullinane states that he was not happy having to pay the kind of money that he did to do the MEPA report three times, but it was responsible development. Mr. Cullinane explains, as far as setbacks, the MEPA report did say that buildings could be within 100 feet of the property line.

Mr. Cullinane had a discussion with the Director, and he notes there is a Highway Business Zone and a Conservation land line that needs to be corrected on the Town Zoning Map. The strip that Mr. Cullinane donated to the towns of Weymouth and Braintree is all in a cluster zone. Mr. Cullinane remembers distinctly what was required of him by the Town of Braintree for almost 14 years. Mr. Cullinane states, in terms of responsible development, Devon Woods works. In terms of responsible development, taking and respecting the traffic and sensitive wetland issues is necessary.

Siobhan Haughey, 12 West Street, Weymouth, a neighbor Jessica of who spoke earlier, wants to echo what previous speakers have stated related to traffic concerns with this project not only as a Weymouth resident, but she also has a brother that lives in Braintree. She has concerns about where the traffic is going to be going. There is already an increase in the traffic on West Street that she sees, as she has been working from home. Ms. Haughey notes the locations of medical offices and schools along the corridor in both Weymouth and Braintree, and she expresses her concern for where the traffic will be going. Ms. Haughey would like the developer to take into consideration the traffic flow and traffic pattern.

Tom McNamara, resident of Weymouth on Western Avenue – just off West Street, wants to thank the Planning Board for allowing attendees from Weymouth to talk tonight and voice their concerns. He does have several concerns, mostly with traffic. The number one concern is the number of trips coming in and out of Banner Park and why we aren't considering every facility in the Banner Park development – not just the two new buildings but also the renovation of the Lottery Building, which is going to add a substantial number of trips per day.

Director SantucciRozzi wants to address the issue of other developments, as this has come up quite a few times. When someone does a traffic report, there is a background growth built in. For any project that was recently permitted that hasn't come online yet, the traffic consultant takes that report, and they add those trips in. So, the trips associated with Brigham are factored into this report; the trips associated with CVS are factored in. Goddard is operational now, but those volumes would be accounted for. The Director notes that the traffic consultant has been over conservative, as typically they will do ½% and they used 1%. The Director explains that if someone is concerned with traffic that hasn't come on-line yet, from a permitted project, that is included in the study.

Mr. McNamara notes that at the May 23 Meeting, the tone of the meeting came across that it was 800 trips per day, and then it gradually came out that when you added Mass General/Brigham, it became 3500 trips per day, which is a substantial impact to the area. Western Avenue empties into West Street. Mr. McNamara states there is too much traffic on that road right now. Mr. McNamara has lived at this location for over 22 years. Over the last 9 months, Mr. McNamara has had to stop running on a regular routine on West Street because it is too dangerous. The shoulders are small and variable, and the tractor/trailers are driving within two feet of people running for their exercise on that road. Sidewalks, which are only on one side of West Street, are not in good shape and in disrepair. Mr. McNamara advises that just within 30-50 yards of Route 18 is Front Street, which dumps into the dialysis center and the Stetson Building. Mr. McNamara explains that between the hours of 6:30 AM to 8:00 AM, it is very difficult for him to get out onto West Street, likewise at nighttime. Mr. McNamara discusses Summer Street that begins on West Street and ends in Weymouth Landing. He suspects that a number of people accessing this facility would be using Summer Street, as well. Mr. McNamara is not interested in seeing another traffic light on West Street. Mr. McNamara did his own study for three days in a row and found that it took him three cycles of the traffic light to get through the intersection of Liberty and Grove Streets. Mr. McNamara refers to the cut-through traffic growing on Birch Street. Mr. McNamara acknowledges that the developer has offered to add bicycle racks; however, he questions the ability to safely bicycle on either Grove Street or West Street. Mr. McNamara's final concern is that both Grove and Commercial Streets are major thoroughfares for emergency vehicles going to South Shore Hospital. What are the implications going to be for those emergency vehicles when we start adding 3500 trips per day? Mr. McNamara thanks the Board for their time and thoughtful feedback on their concerns in this area.

Gary MacDougal, District 5 Town Council, Weymouth, 131 Southern Avenue, has a couple of things to discuss. Councilor MacDougal refers to the letters of support from Mayor Kokoros and Councilor Mackin that are both very excited about this project, and Councilor MacDougal concludes that if you look at the site map it is very clear why they are excited about this project. It's not a Braintree project; it's a Weymouth project that Braintree gets to vote on. If you look at the site map, there isn't a Braintree resident within 1000 feet of the project. Councilor MacDougal states if you look in the auditorium this evening, it is mostly Weymouth residents. There is a reason for that. This project is tucked into a corner in his district. It is going to affect every resident on Tommy Marks Way, and traffic on West Street will get absolutely obliterated. He understands why the Mayor and Councilor Mackin would be excited about tax revenue from this. Councilor MacDougal states if there was a Weymouth project affecting a group of Braintree residents, he would have some empathy for that. He hopes this Board will too. Councilor MacDougal would like the Planning Board to think about the fact that someday there will be a 150,000 square foot warehouse, that wasn't there before, staring right into the backyard of some of these residents. It is tough for Councilor MacDougal to understand how this is such a great project for Braintree, as he feels tax revenue should not be the number one priority. It should be quality of life, and that includes for the town next door, as well.

Patty Cummings, Tommy Marks Way, states admittedly she is not familiar with these types of procedures, and this is probably her first involvement in attending this type of meeting. She thinks it is worth everyone's time. One of the things that struck Mrs. Cummings when she first started listening to the meeting was when someone mentioned wrapping this project up. Mrs. Cummings doesn't think it is time for that yet. She is hoping that, however these things go, the Planning Board will allow more time to make their decision. Mrs. Cummings has lived in this neighborhood for 35 years, as has several of her neighbors, and she explains that it has been a wonderful experience living where she lives. The neighborhood is very passionate about keeping that going. Mrs. Cummings appreciates all the intelligent information that has been received, but she thinks there is more to be learned here and considered.

Carol Harvey, 70 Tommy Marks Way, is not a public speaker, but she feels it is important enough to first thank the Planning Board for being here at these meetings. She cannot understand when attendance is taken and people cannot attend, as they take these jobs and run for offices, but where are they? The mayor hasn't been here once. Mrs. Harvey grew up in Braintree on Liberty Street; her dad was instrumental in putting the yellow line down 45-50 years ago. Ms. Harvey worked in Braintree schools for 25 years; she retired 5 years ago. She is a graduate of Braintree schools. She bought on Tommy Marks Way to raise her kids. They want nothing to do with the beautiful home they have lived in for 35 years because of traffic, congestion, craziness. Mrs. Harvey asks about the dog park that is going into this project. Wasn't that going into Pond Meadow? Where are the dog-walkers going to park, and where is the security for this? Mrs. Harvey asks about the wildlife living at this site. Mrs. Harvey discusses traffic issues and safety issues all along the corridor. Mrs. Harvey questions why there are not more Braintree residents in attendance at this meeting. Mrs. Harvey finds this situation very upsetting, and she has lost sleep over it.

Carol Murphy, 77 Tommy Marks Way, states the Banner Park project goes beyond the scope of a standard project and thus has applied for a Special Permit. This means that they must obtain certain criteria in order to obtain that Permit. Mrs. Murphy researched the criteria that Banner Park must meet. There are eight criteria set by the Braintree Planning Board bylaws. Mrs. Murphy states that Banner Park does not meet six out of the eight criteria. Criteria two refers to the capacity of public roads to support the addition of traffic safely. Braintree's own traffic report, as well as the traffic report from Weymouth, report that the roads are already over capacity. Criteria 3 states the proposed use shall not create any danger or pollution to public or private water facilities. The SPGA shall consider the adequacy of the methods of drainage at the proposed site and public water and sewer systems servicing the site. No excessive demand shall be imposed on the water system. This proposal has water draining toward the brook behind Tommy Marks Way. This is a natural water resource that ultimately runs into the Mill River and Whitman's Pond. Their parking and loading dock for tractor/trailers has the potential for runoff of pollutants into this natural water resource. The homes on Tommy Marks Way already have issues with wet basements from the brook. The added runoff will create further harm. Criteria 4 states the project shall conform to the signage, lighting and environmental standards set forth in this chapter; in particular, the SPGA shall review the project with regards to off-site from glare, noise, vibration, smoke, heat, and odor. Mrs. Murphy states this project is 84 feet from residential homes; it is 13 feet higher than the abutting residential properties. The warehouse is 37 feet for a total of 50 feet high. There will be noise, vibrations, and emissions from tractor trailers. There will be glare from commercial lighting into bedroom windows. Criteria 6 states the site plan shall provide for screening and buffering. Mrs. Murphy discusses the varying height of proposed fencing between 6 feet and 10 feet, and she states this project is 50 feet high. She asks what noise and privacy this fence is going to buffer. Criteria 7 states the site plan shall provide yards and other open space as required by law. Mrs. Murphy states they have recently learned that Banner Park is entering into an agreement with New England Wildlife Center to put walking trails in the already inadequate 84-foot buffer zones, further diminishing the privacy of residential abutters.

Criteria 8 states the SPGA shall review for economic effect on and general compatibility and harmony with adjacent properties and other properties in the district. Mrs. Murphy advises that week after week neighbors and abutters have come to object to this project. Aside from eliminating one small parking area and relocating some generators, Mrs. Murphy states the developer has done nothing to address the residents' concerns. In fact, Mrs. Murphy states they have been told outright that the developer will not move the loading dock on the south side of the building, will not increase the buffer zone, and screening is only being investigated. For the immediate abutters, this project will have a tremendous impact on the value their property. The Banner Park project six out of the eight criteria and thus should not be granted this Special Permit. Mrs. Murphy thanks the Planning Board for their time and consideration, and she prays to God that somebody will finally hear the residents.

Bob Cummings, 50 Tommy Marks Way, South Weymouth, states that he and his wife moved into his house in January 1987, a little over 35 years ago. Mr. Cummings is well aware of the area. Prior to that, he and his wife owned a home on West Street. The traffic on West Street at that time in 1979 was far too much then, and now it is bad. Without question, this development is going to have an impact, which is going to make things worse than it already is. Mr. Cummings discusses the school bus stop at the end of Tommy Marks Way, and states there are young people on the street with young children that are standing at that bus stop. On Forest Street, there are several bus stops on either side of the road, and the traffic without question is going to be increased. Mr. Cummings discusses the varying numbers provided for additional vehicles and states it is difficult to listen to people, with all due respect, that did the traffic studies but acknowledge that the tenants aren't even know. Mr. Cummings wonders how much value they can put in the traffic report. Obviously, the tenant will have a massive affect on that report. Mr. Cummings thinks this development is inappropriate. They are backing up against a very nice residential area. Mr. Cummings states it is nice and quiet in his neighborhood, and residents paid some serious money for these homes. Mr. Cummings acknowledges that their property tax money is not going to Braintree, but because they are closely located to Braintree, the residents support a lot of the Braintree businesses. Mr. Cummings cannot imagine, if this project is approved, what it will do to the market value of these 16 homes. Mr. Cummings states, having been there for as long as he has, he certainly expected that when the time came for him to sell, he was hoping to make a few dollars. He doesn't think that will happen if this project is approved. Mr. Cummings explains that, out of the 16 homes, 9 are the original owners, and he discusses what a good neighborhood it is. He understands that this is tax money for the Town of Braintree, but he hopes that the Planning Board will look at it from a human side. Mr. Cummings appreciates the time and states this is a very important and huge decision. It's a great neighborhood, and they hope it will remain that way.

Jennifer Walsh, 211 Allerton Commons Lane, Braintree (Devon Woods), commends all the people talking about the impact of the traffic. That is her big concern, as well. As a Braintree resident, she supports all these people from Weymouth who are very concerned. Ms. Walsh feels that Braintree will also be affected, as well as all of those who use these roads. Ms. Walsh wanted to add her voice to that list.

Jeremiah Murphy, 77 Tommy Marks Way, is a Weymouth resident, but was born in Braintree. Mr. Murphy reminds us that at the last Planning Board Meeting, Member Connolly urged the developer to work with the abutters. "The people you need to talk to are right here in this room" is what she said. Since then, the developer has not reached out or attempted to talk with any of the abutters. Mr. Murphy's wife has even gone as far as inviting the developer to their home, but nothing has happened. The Murphy's have gone to all relevant meetings expressing their concerns, and in return they have gotten nothing, just minor changes in the illusions of accommodations.

Mr. Murphy explains that they attended the Weymouth community meeting on May 23rd and the more recent Braintree District 6 meeting on June 9th with the developer. Between those two meetings and a parking lot conversation with Brian Palmucci, Mr. Murphy's wife has made their requests loud and clear. Remove or relocate the loading docks closest to Tommy Marks Way. Increase the buffer zone and provide an adequate sound barrier, something better than a fence. Mr. Murphy advises that Attorney Palmucci's response to Mrs. Murphy was "you're not getting your buffer zone and we're moving forward with the loading docks." Mr. Murphy mentions that Alan MacDonald followed that statement with "I'm sorry you feel like we're not hearing you", meanwhile refusing to budge. Mr. Murphy states that at the Braintree District 6 community meeting last week Mr. Palmucci seemed aggravated with the Weymouth resident's presence, and he spoke to Mr. Murphy in an unprofessional manner. Attorney Palmucci questioned why their statement was relevant, and Mr. Murphy felt that it was relevant because the situation was being viewed by the developer as (excuse his language) a pissing contest, as they just refuse to budge. Mr. Murphy states they are three Planning Board Meetings into the process, and they are being offered a fence only as a concession. This is inadequate. Mr. Murphy feels like they are not asking for a lot, but their requests are neglected to be met. Mr. Murphy concludes, as you can see, the people from Tommy Marks Way are not going away, and until some real mitigations are made, he is afraid we will have no progress.

Lynne Gavin, 14 Perry Road, lives on the other side of Braintree, but she goes over to that area constantly. It takes a lot of time to get there, as there is a lot of traffic there already. Ms. Gavin mentions one of the aspects of the Master Plan is related to traffic. Ms. Gavin mentions the congestion along Columbian Street and the path that Braintree residents take to South Shore Hospital. Ms. Gavin feels that this development will affect Braintree's Fire Department and Police Department. She asks who will patrol the property at nighttime, and she expresses her concern related to use of our resources and traffic. Ms. Gavin feels this project needs to be scaled down. She expresses her concern with the tractor/trailers and loading docks. Ms. Gavin expresses her concern with overdevelopment and lack of parking in the Braintree and Quincy areas. Ms. Gavin thinks it is shameful that more people from Braintree are not in attendance. Ms. Gavin expresses that there is a lack of control with existing businesses – such as South Shore Plaza, and she questions how new developments will be controlled. Ms. Gavin hopes that the quality of life will be a consideration.

Jim LeBarron, 29 Massapoag Street, Weymouth, works in the Life Science Industry in Framingham at a very large complex. He mentions that there are no residents near his plant. They have 14 buildings in their development. Mr. LeBarron mentions the new facility on Wood Road in the old Haemonetics building has no residents nearby that he knows of. Mr. LeBarron mentions another Life Science facility located in Canton and notes that these buildings are usually not this close to residents. Mr. LeBarron notes that it is a different world than it was 25 years ago, and we now try to protect the environment as well as residents from encroachments. Mr. LeBarron recognizes that it is the developer's land, but is it the right thing to grant? If you can, doesn't mean you should.

Chairwoman Joyce is very appreciative of the commentary this evening; at this time, she would like to open discussion to the Board for comments or questions on the updated information presented, with a chance to ask any follow-up questions to the Applicant or our Planning Department.

Member Mikami states he will wait for the Peer Review for some comments, but he wants to ask Attorney Palmucci a question since he has a unique perspective being a City Councilor in Quincy and now representing this developer. Member Mikami asks, as a councilor, how do you respond to the residents of both Braintree and Weymouth? What would you tell these people if this was happening in your District?

Attorney Palmucci states, first and foremost, he thinks the importance is speaking the truth in any capacity, whether it's him before a Planning Board representing a development or him as a City Councilor standing before a community meeting about a development that someone is trying to permit. He tries to express what is possible and what is not possible. He has been very upfront at all these meetings that a 500-foot buffer will not work. He has stated that the developer can work with residents to try and mitigate the negative impacts. Attorney Palmucci states the team has come up with some ideas, but the developer would like to build this, pending the Planning Board's approval. Attorney Palmucci states all he can do is his best to work with people and try to find some common ground. Sometimes it is easier with some groups than it is with others. Member Mikami would paraphrase what Member Connolly said last time. He hears that maybe the parties haven't found enough solutions or compromises, but maybe it's just worth continuing down that road. Member Mikami is empathetic to all these comments, but on the other hand this is a large piece of property which has been waiting to be developed. Member Mikami states maybe we need to continue our community discussions and technical discussions. Member Mikami gets the feeling that the developer just doesn't want to reduce the size of this project. Attorney Palmucci agrees, and states given the tenant they are looking for these are the size of the buildings. Member Mikami confirms that the developer's market studies would show that there would be demand for this size facility with the types of loading docks that the developer intends to build. Attorney Palmucci states that the two hard "no's" that he has been up front about were: eliminating all loading docks on the south side; and a 500 foot buffer. Attorney Palmucci explains that the location of the building is a result of the wetlands and trying not to have a wetlands crossing while still accommodating potential tenant use needs. He explains that the loading dock is the same, as they explained at the last couple of community meetings. That size of a building is likely to attract two tenants, and they wouldn't share the same loading dock. One would be on one-half of the building, and the other would be on the other half of the building. It may be that the south loading dock is never used because one tenant leases the entire building. The developer doesn't know that, but in terms of marketing ability and trying to attract tenants, the developer needs to have some flexibility. Attorney Palmucci states, as Councilor McDougall had requested, he does have empathy. Attorney Palmucci acknowledges that this sounds like a wonderful neighborhood, and he cannot imagine that the property value is going to go down with the marketing that these folks have done for their own neighborhood over the past several months. The developer can empathize, which is why they are willing to do what they can to try and mitigate the negative impact, within some parameters. Attorney Palmucci states that, if he lived on Tommy Marks Way, he would not like this project either. However, from where he stands, he thinks it is overall a very good project that meets the Braintree Zoning Code. That is why they are moving forward, but he 100% empathizes with the neighbors. Attorney Palmucci expresses that they are legitimately trying to work with folks, and they will entertain any reasonable idea to try to mitigate some of this stuff, as they have been doing. Attorney Palmucci states they will continue to do that, and he appreciates the comments.

Member Kroha has a couple of comments, and she is not necessarily looking for an answer tonight, but she does want to pass on the thought. She also wants to say, as Member Mikami just said, the Board is hearing people's concerns and they understand them. This is an ongoing process. There are no draft conditions or final plans. It's something that's getting worked out as we go along. We have had some feedback from experts, and there is additional questions and additional feedback is coming in. It is a work in progress. The proposal does appear to meet all the zoning for building the buildings. The uses they are requesting require a Special Permit, which they are requesting. Member Kroha's first question is related to the developer marketing this with the expectation that it will be somewhat of a bioflex/life science, but the use categories allow for a much broader scope of use. Member Kroha's question is if you can think about proposed conditions that could be specific to the type of use you're going for that would prevent a distribution center (for example) or deal with traffic or hours or something that would quell some of the fears of not knowing exactly who the tenant will be.

Member Kroha appreciates the feedback with the additional plantings. Her question with respect to that are whether those things will be at the elevation of the buildings, as she knows there is an elevation difference, and whether it makes sense, from a site perspective, to bump the fence out further from the property at the same elevation. The last thing related to height, Member Kroha mentions that there are privacy concerns for the people living on Tommy Marks Way and the specific resident with a pool; Member Kroha would be curious to know how the height of a person standing on a loading dock or sitting in one of those trucks plays into the height of the fence. Is a ten-foot fence going to block their visibility from the backyards, notwithstanding the trees. If not, what can we do about a higher fence? Member Kroha explains those are a couple of things she would want to look at for the next round of comments that come in.

Director SantucciRozzi comments, to Member Kroha's point, that she has asked the developer to provide a cross-section to get a better idea of where everything falls. She questions how all this plays in when we look from Tommy Marks Way. She thinks that will be helpful to get an idea of what needs to come up and what needs to go down and the best way to situate plantings and barriers.

Member Grove can see why the developer wouldn't want to move the loading docks for aesthetic reasons, but he hasn't heard any valid reason for not moving it to the other side. Member Grove states it would be advantageous to the developer because it would provide additional buffer to the residents – not only noise but light.

Attorney Palmucci explains on that particular building there are loading docks on both sides, and the thought behind that is that, if two tenants were to subdivide the building, they would each need loading docks. Member Grove asks if the Applicant could cut down the number of docks so that it is just populated on one side. Attorney Palmucci explains that if they were to put loading docks only on one side that would limit them to only one potential tenant of the building, which would be very difficult. Member Grove asks why that would limit them to only one tenant. Attorney Palmucci explains because the tenant on the south side would have to travel all the way through to land on the space of the other tenant. Member Grove is going to look further at the plans.

Member Connolly wanted to continue with Member Grove's point with the citing of the building, and she states the residents have really discussed the loading docks as a concern and the orientation of the building, particularly to Tommy Marks Way. Member Connolly asks the Applicant to discuss what they have considered related to that in greater detail. She understands that the Applicant is saying there are two possible tenants and that the position of the loading docks is to accommodate that, but could it be configured any differently?

Karlis Skulte, Civil Engineer with Civil Environmental Consultants, states that, prior to submitting any formal plans for the application in front of the Board, there was an intensive conceptual planning process where they looked at the overall site as a whole. Do several smaller buildings make sense? Does one really large building make sense? There were several different factors that went into ultimately ending up where the Applicant did today. A lot of that was a function of the market analysis of a typical size building that would work well for one or two tenants, and a 120,000-150,000 square foot building is in the range of what tenants would expect for this type of development. As far as the orientation of the buildings, the Applicant did look at the orientation of the parcels. It is oriented in the north/south direction. Having the buildings located in the east/westly direction was problematic due to the topography in the wetlands. There is a natural elevation change on the sites that factored into where we locate the buildings and how you orient them. A big part of that was the wetlands and respecting the natural wetland buffers and not wanting to encroach on the wetlands.

Mr. Skulte explains there were several different factors including the market study and working with realtors and brokers in understanding what the demand was. To the point earlier about the loading docks and how those are configured, they were working with ultimate flexibility for one or maybe two tenants for the buildings as well as for the process flow of how materials are handled. Mr. Skulte explains that you don't want to have all the loading docks in one area where the receiving and the shipping would be happening all immediately next to each other. There is some separation of those functions that you also need to consider. Working with the architect on how the logistics and the process flow would work within the buildings also dictated some of how the loading docks, entries and passenger parking was configured.

Member Connolly also wanted to bring up the capacity of public roads. Within construction, we have some ability to put some controls and direct traffic, but after that the trip coming will go freely from the site. Member Connolly wants to say that the traffic comments from the residents of Weymouth and residents of Braintree have been heard, and that is something that the Board needs to address within their work. In terms of mitigation, Member Connolly thinks that the community meetings were an important first step, but the mitigation, particularly to our neighbors in Weymouth, does need to be addressed. Member Connolly thinks their concerns need to be heard and addressed.

Chairwoman Joyce follows up on some of the buffering concerns heard this evening and some of the comments made by other Planning Board members. Chairwoman Joyce does have some overall site layout comments and just asking if alternatives were considered. One comment is related to the citing of Building B. Chairwoman Joyce asks if there is the ability to shift Building B north by maybe 75 feet or so and try to reconfigure the parking/loading docks on the north side to add a buffer on the south side to Tommy Marks Way. Do you have any flexibility in something like that or was that looked at? Mr. Skulte pulls up the aerial plan to represent it easier for discussion purposes. The lot narrows up where Building B is located. If the Applicant were to shift Building B further to the north, they would end up having challenges with access to the loading docks as well as for the passenger parking that is along the westerly side of the building. It is taking advantage of the geography, topography, and wetlands limitations that they have not only at the southerly end of where Building B is, but at the northerly end, as well. There is a wetland that starts coming into the property there a little bit, so they cannot push it too much further without encroaching further on that wetland. They are trying to find the middle ground between the various environmental resources as well as providing buffering that exceeds the zoning regulations along the Weymouth Town line. Fire circulation was an aspect that came up in the initial pre-meetings with the Town. The Applicant wanted to have throughout and comprehensive fire access around the buildings. So, they actually shifted the buildings a bit further away from the Weymouth property line to accommodate fire access fully around the buildings, which is going to be stabilized with a vegetated material that has a paver that provides a structural integrity. Fire trucks can get all the way around the buildings. Mr. Skulte states they can certainly take another look at, but they have spent a fair amount of time ending up with the plan that the Applicant has in front of the Board today and there is not a lot of flexibility to be able to shift the buildings completely at this point.

Chairwoman Joyce notes that the Applicant has the access drive on the north side separate from the parking area against the building. She comments, if you were to shift and combine the parking area and access drive and reconfigure that northeast corner, would you buy any amount of ability to pull that building north? Mr. Skulte responds that they could certainly take another look at it. They did spend a good amount of time ending up where they are today. Mr. Skulte reiterates that they are happy to take another look at it, but he cannot make any promises.

Chairwoman Joyce is appreciative of that. She also states, along those same lines, at the south side there are loading docks and a strip of pavement that extends to the east of the loading docks behind the loading docks. She was wondering what that strip of pavement was that looks to be about a 24-foot-wide area of pavement at the back of the loading docks. Mr. Skulte explains that area is essentially an extension of the fire access. The green areas are the reinforced soil areas. The rectangular strip of pavement is for circulation for the trucks. As you use the loading dock spaces, they looked at the largest possible vehicle that would ever be onsite making sure they could safely maneuver into the loading docks as well as turn and egress. Mr. Skulte advises that they are also in the process of looking at the fire circulation throughout the site. They have received the turning templates from the Town Fire Department. The turning is less intensive that would be required for the trucks that they modeled. Mr. Skulte advises that they will be preparing additional exhibits that show that fire circulation can be provided. It also provides an opportunity for snow storage, which came up in the Staff Report as well as in the Peer Review comments. Mr. Skulte confirms that they are providing adequate storage for snow management within the site. Some of that area is also used to be able to store that without impacting parking and overall maneuvering throughout the site.

Chairwoman Joyce asks if the Applicant evaluated any ability to take any of the loading docks and shift them to the west -- reconfigure them and pull them away from the edge of the building? Mr. Skulte explains that was part of the evaluation and it went into the design and coordination with the architect and the overall process flow of how the work went. If you pull them too much into the central portion of the building, it impacts the functional space of the rest of the building inside and you end up with larger pockets of dead, unusable space within the building. That was a function of coordinating closely with the architect on how the interior of the building would operate.

Chairwoman Joyce states that she is sure it would be inconvenient, but she thinks the concerns are pretty significant from the residential properties, so maybe it's worth revisiting architecturally why it is or is not feasible to shift the loading docks to get a little more buffer for the residents that are going to be impacted by this floating area. Was there any consideration for a landscape berm on that edge, which would basically then be able to have a fence on top of it to try to raise up some sound protection with more of a berm-style landscape feature along that edge? Was anything like that considered? Mr. Skulte states they did look at that, and part of the reason of why they ended up with the design they have today was because they wanted to minimize the overall impact of any sort of tree clearing or land disturbance. Creating a berm, ultimately you need to be able to grade up, create a flat area, and grade back down. It eats up quite a bit more space and would result in more impact and more tree clearing than the installation of a fence would. Mr. Skulte points out that the fence they have is more than just a fence you buy at Home Depot or Lowe's. It is a one-inch thick, cedar or pine fence according to noise guidance and federal highway guidance. It does provide significantly more noise buffering and screening than a traditional half-inch thick wood fence would. Mr. Skulte advises that there is good evidence and support that this provides a significant amount of noise buffering. The 10-foot height would provide additional visual buffering not only for the headlights and the operations, but also for the line of sight that you would see from anybody operating on the site either on the ground or within any sort of equipment being used.

Chairwoman Joyce asks if Mr. Skulte would anticipate equal use of the loading docks or would you be able to give preference to a tenant that might have more loading dock traffic to use the north-side space? Mr. Skulte wishes he could answer that, but they currently don't know tenant information at this point. Chairwoman Joyce states, with regards to truck sounds, she assumes signage can be added stating "No Engine Idling", and the Building Manager can maintain this policy to ensure vehicles are off when in the loading dock area. She asks Mr. Skulte if that could be part of the operations of the facility.

Mr. Skulte thinks there are elements of that in the guidance and best management practices for operations of the vehicles that could be incorporated into the overall site.

Chairwoman Joyce reminds that there was mention this evening of a potential dog park pathways, and she thinks we might have had past commentary on where users who would be accessing that feature would park. The Chairwoman asks if that work has been designed or will there be a plan or outline coming to clearly understand where some of that is proposed? Attorney Palmucci states, as it related to the public use of trails, the Applicant is in the process of working on trail mapping with New England Wildlife Center – it's ongoing. The intention is that there will be a trailhead with public parking available. They hope to figure out where that will be soon; he thinks they are pretty close. As it related to a dog park, that is something that the Applicant is willing to do and would like to do, but in terms of location, scope and scale, the Applicant requests that it be added as a condition that they must come back for a permit for specific approval on the designs for that. Attorney Palmucci states they don't know if Brigham is actually going to build there or not, and until that is determined, they don't know where the best place would be to locate that in size and scope. They are committed to doing it, but they want to come back for a permit to make sure it goes in the most suitable place. Attorney Palmucci advises, hopefully at the next meeting, they will have a location for the public trailhead and parking. That is certainly the intent.

Chairwoman Joyce doesn't have any further comments for the Applicant or the Department, and she notes that there are a lot of moving pieces still. She states hopefully, at some point, we will have a plan before us for some sort of approval. That is what we're working towards – trying to figure out what these modifications are that move us in that direction and then ultimately what are we voting on. However, we are still working through that.

Chairwoman Joyce asks if there are any further comments from the public.

Deanna Murphy, 77 Tommy Marks Way, states if the loading docks were able to be moved to the front of the building, the developer would be able to split the building and give a tenant the loading docks. She recognizes that there are wetlands, but maybe they could have a smaller building than 150,000 square feet to accommodate moving those loading docks even further away. Ms. Murphy states she appreciates all the Board's concerns and questions – it truly means a lot to the residents. Ms. Murphy notes that, where is says "277 feet" on the plan, that is from the edge of their house to the edge of the building. It doesn't really show the fact that it is only 80 feet from their fence line to where the parking lot starts. She discusses the small buffer zone they have and the fact that it will be married to the New England Wildlife Center pathways where complete strangers will be parking and walking in that small buffer zone.

Member Connolly has a comment regarding the walking trails and the dog park in combination. Pond Meadow has become a difficult place to take a walk because of some of the dogs locally and having both of those in this space may create additional burdens on the residents in that area.

Robert Cullinane, 12 Valley Road, Weymouth, states that there currently exists about 275 acres adjacent to the park that is part of Devon Woods. There are walking trails that already exist and have for almost 200 years. When you take an overlay of the walking park, it goes all the way up to Cranberry Pond. Mr. Cullinane explains that the walking parks already exist, not only on the Banner property but they physically exist in the 275 acres in five sections. Part of it is outlines in Cranberry Pond, but Cranberry Pond is only about 100 acres. This will be about 300 acres. He suggests doing a little analysis with some aeriels.

Patty Cummings, Tommy Marks Way, asks if there is a reason why this project can't be done in phases. Recognizing that we don't know what the future will bring, she comments on putting up all these office buildings when currently we don't need offices anymore. So now we have all these buildings. Ms. Cummings states this is a very ambitious project, and she is wondering if it could be done in stages. Do we have to build 18 or 19 loading docks initially?

Director SantucciRozzi states, looking at the two houses at the end of Tommy Marks Way, recognizing that she is not a surveyor, she would probably guess that the fences on both of those properties are beyond the real property line based on these plans. Chairwoman Joyce thinks one of the comments we have been making, that she has noticed in the Staff Report, is that we are still awaiting an Existing Conditions Plan for this. The Chairwoman is assuming that is forthcoming, but she thinks we need to get that into the record. Mr. Skulte states the plans were prepared by licensed professional surveyors, and he will make sure that the Planning Board gets a signed stamped set of plans as part of the revised package. The Chairwoman states it will be reviewed when it comes in.

Chairwoman Joyce explains that we need a motion to continue this hearing to our next meeting, assuming that is feasible for the Planning Department and the Applicant. That is on July 12, 2022, at 7:15 PM. Chairwoman Joyce strongly suggests that the Applicant do that community outreach prior to our next meeting.

Member Grove **MOTIONS** to continue this hearing to the Planning Board Meeting on Tuesday, July 12, 2022, at 7:15 PM; seconded by Member Makami; voted 5:0:0.

CONTINUED PUBLIC HEARING: MAJOR MODIFICATION TO SITE PLAN REVIEW (File #15-07)
429-445 Quincy Avenue, K. Spillane LLC, Applicant

10:24 PM – Four Planning Board Members and one Alternate Member are participating. Member Kent is absent.

Appearing on behalf of Applicant:
Attorney Frank Marinelli
James Burke, PE, DeCelle-Burke-Sala & Associates, Inc.

Chairwoman Joyce asks the Applicant to go over what has transpired between the last meeting and this meeting.

Attorney Frank Marinelli appears on behalf of the Quirk Car Companies. Attorney Marinelli advises that the original application was approximately a 27,288 square foot dealership, and that has been reduced by about 1,000 square feet. The manufacturer wanted to have the service area covered for customer convenience, so the revised building is about 26,027 square feet. The orientation of the building is as shown at the last meeting. All the dimensional and density requirements are complied with. In fact, open space is about 50% more than the 25% that is required. The Applicant has over 40% open space. In terms of building coverage, it is only 15.2%, where you are allowed up to 25%. Lot coverage can be 75%; the Applicant has 59%. All the calculations are "by right" with no variances. There is a parking requirement for 66 spaces, but the Applicant has 169 parking spaces. They cover everything on the dimensional and density requirements and on parking. It is a use "by right" in the highway business zone.

The last time the Applicant was here there was a concern about the westerly curb cut. They made that one-way so that there won't be any lights coming out that will shine on the residents, that have a non-conforming use in the highway business zone. The Landscaping Plan shows over 120 plantings. There are about 24 trees, 48 shrubs and 74 perennials. That is on the Planting Legend that was submitted with the Landscape Plan.

Attorney Marinelli advises that the Applicant has reviewed the conditions; there is an issue of the watermain in Patten Avenue. The watermain is about 100 years old. The Applicant is going to examine this with DPW. There was a request that the Applicant look at that, but Attorney Marinelli states that it is not incumbent that the property owner pay for the replacement of a watermain. The Applicant's engineer, Jim Burke, is going to look to other sources of water to provide water to the proposal, maybe connecting from Columbia Terrace, and this will be discussed with DPW. Attorney Marinelli advises that they have reviewed the Draft Conditions, and it is their belief that the use "by right" and the proposal is appropriate for approval.

Director SantucciRozzi refers to the waterline, and she is thinking about when the Applicant did "Jeep". She asks if that was tied in near Digaetano? She thought it came through an easement from Quincy Avenue. Jim Burke, PE, DeCelle-Burke-Sala & Associates, Inc., advises that they brought an 8-inch line off the 12-inch line from across the street. They brought that up to feed Jeep, and there is a hydrant on Columbia Terrace. Mr. Burke advises that there is an 8-inch on Columbia Terrace that is about 200 feet from the lot being discussed. He wants to check this with DPW. It might be a better way to feed it from a construction standpoint. The Director confirms that currently there is no water service on this lot. Mr. Burke would like the opportunity to work with the Water Department to figure out a solution.

Chairwoman Joyce asks if the Director wants to add anything with regards to the Staff Report. The Director states that she had drafted the Conditions for the last meeting. The Director advises that the Planning Board had previously done the "pre-owned" that was on the opposite side of Patten Avenue, but that plan was scrapped. This newer, bigger building is being proposed. Prior to the previous meeting, Attorney Marinelli had reached out to advise that Hyundai had some plans that they wanted Quirk to change. All those plans are in now. We did get some minor comments from the Engineering Department that Jim Burke addressed. The Director advises that she needs to change the square footage of the building in the draft conditions. The other important thing to note, while everyone is concerned about traffic, is that Jeep is producing about 41% less than what was projected. Chairperson Joyce asks if that was a measurement made recently. Attorney Marinelli advises that it was in the May Report. There is discussion regarding traffic projections done over the past two years. It is concluded that actual traffic has been less than projections, perhaps because ITE is conservative.

Chairperson Joyce asks if there are any questions or comments from the public.

Lucia Qualey and Phillip Smith, 11 Patten Avenue, pass out the comments they made at the May 10, 2022 meeting as a reminder of what was discussed. Basically, Ms. Qualey explains they are the non-conforming use residents that Attorney Marinelli refers to. The residents understand they cannot stop this application; however, they wanted to make their concerns known. They have looked at the new plan, and their biggest concern in the mitigation they would like would be to move the westerly driveway. It does face their home directly. Ms. Qualey would like to propose what she feels is a very realistic and even a better idea than their engineer may have come up with. Ms. Qualey highlights where their house is located on the plan and reviews her proposal for traffic, which takes traffic behind their house, to the right of their house, and then straight across to the dealership. This would eliminate the need for a driveway directly across from their home. Chairperson Joyce clarifies that the proposed driveway across from the residence will be one-way entering. Ms. Qualey states that doesn't help because it is a very narrow street.

Ms. Qualey explains that currently they have to put orange cones on that side of the street because they cannot pull in or back out of their driveway. Chairperson Joyce confirms that Patten Avenue is a public way, and she states if the applicant could consider a different configuration, it wouldn't necessarily preclude someone from using Patten Avenue. Ms. Qualey understands that but feels it would make it easier for the residents to go in and out of their driveway. Ms. Qualey notes that it is a very steep hill, as well. Director SantucciRozzi states that the comments about one-way traffic came from her. She further explains that the Applicant has a circulation pattern so that you can get into the service department and having that distinct separation between getting people into service vs. dealership is a crucial part of the business operation. The Director explains that Ms. Qualey's proposal is introducing vehicles at the front door. Ms. Qualey states that is what they have now. Chairperson Joyce asks if the existing parking lot as one or two access points. The Director clarifies one access point. Ms. Qualey feels that they have made their request clear, and she would implore the Planning Board to have some empathy and sympathy for their situation. They are considered the "non-conforming" residence. It is a home that has been there for 70 years; it is well cared for and well-loved. Despite the fact that they live in a parking lot, they enjoy their home. Ms. Qualey suggests that Board Members take a drive into that neighborhood to see how narrow the road is, see the hill and see where they want to put that entrance. It would greatly impact their quality of life and the valuation of their home. Chairperson Joyce thanks the residents for their comments and asks if the Applicant wants to address this matter. Jim Burke, Engineer for the project, states it really is a circulation issue. Having a curb cut close to the front door is not a good situation for bringing people onto the property. The existing curb cut close to the intersection of Columbia Terrace is the service entrance. Mr. Burke explains that they made the entrance one-way to accommodate the abutters. Mr. Burke explains if you bring the proposed curb cut closer to the existing curb cut, it is too close for smooth operation. The Director comments that staff is checking, but she thinks the curb cuts have a minimum distance.

Chairperson Joyce asks where the front of the building is. Attorney Marinelli clarifies that it is fronting on Patten Avenue, and he explains that you would enter through the proposed one-way curb cut for the dealership. If you going to service, you would come in the more easterly curb cut, which is two-way. That entrance has the service canopy, which leads to the 16 service bays. The part of the building that faces Patten Avenue is the sales showroom. Director SantucciRozzi did verify that the curb cuts do have a minimum distance of 75 feet.

Mr. Phillip Smith, 11 Patten Avenue, states that he doesn't know who designed the Jeep Dealership, but the entrance way is straight into the service department and the showroom. There is no separate exist or entrance to that service department or showroom. Mr. Burke clarifies that the Jeep building is set so far away from the right-of-way; you have about a 500-foot approach and opportunity to go left or right. In this particular situation, everyone will be entering and existing the Columbia Terrace curb cut. Mr. Burke thought they solved the headlight issue by making the new curb cut one-way. Chairperson Joyce asks if the Applicant looked at having the entrance/exit central to the building. Mr. Burke states it is too short of a run. It is not ideal. Chairperson Joyce asks if Mr. Burke thinks the one-way entrance is for users or delivery vehicles or safety. Mr. Burke advises that it is mainly for convenience for sales customers and employees. Attorney Marinelli advises that this is the layout approved by the manufacturer according to the engineer who has worked with the client in this design. Attorney Marinelli confirms that they made the proposed curb cut one-way and perhaps they can put signage on either side that states "No Exit" so, if you are on the site, you know that you must circulate to the other curb cut. Chairperson Joyce asks if you could restrict the one-way access to service and emergency vehicles only. Mr. Burke advises that it can be signed "One Way" and for "Emergency Access Only".

Member Mikami has no comments or questions.

Member Kroha advises that most of her questions were covered; it is just basically whether that second curb cut could be eliminated, or the emergency restriction would be good. Member Kroha feels that for a site with not a lot of traffic people will likely be still using that one-way curb cut as an exit whether it is marked or not, as it is closer to Quincy Avenue.

Director SantucciRozzi asks if the curb cut is 24-foot wide. Mr. Burke advises that it is 20-foot wide, as it is the minimum. Mr. Burke advises that people are not going to be coming up Patten Avenue; they will be signing it to request that people come through the dealerships. Mr. Burke advises that people may be running up Columbia Terrace and the Jeep access road. Signage will dictate that; it will be down on Quincy Avenue at the Quirk Jeep area. The Hyundai sign will direct people to access through Quirk Jeep. If people are accessing through Quirk Jeep, they will be taking a left off Columbia Terrace and accessing the first curb cut. Chairperson Joyce asks if there is campus-wide signing now that there are several Quirk dealerships. Mr. Burke advises that currently it is just Jeep. Attorney Marinelli mentions that the handout from the residents talked about five dealerships, but they are on separate properties. Attorney Marinelli advises that this is 13 acres with two dealerships – Jeep in the back on the largest lot and an approximate four-acre site being discussed.

Ms. Qualey would like to say that they have been very good citizens, as far as Mr. Quirk goes; they have never complained about the lighting that they don't believe is within the guidelines. They can mow their lawn at midnight. The abutters have never made a request at all with all these buildings. Their only request is that the entrance not be directly in front of their home. Ms. Qualey doesn't think it is an unreasonable request. The building is practically in the abutter's front yard. All they are asking is that the driveway be moved over. She recognizes that they are only two people, but they love their home. Director SantucciRozzi advises that moving the second curb cut to the middle would be too close to the first curb cut; she would just eliminate the proposed curb cut.

Attorney Marinelli advises that the site is 13 acres, it is Highway Business Zone, and with all due respect to the prior speaker, Mr. Quirk has been a terrific neighbor in terms of providing fencing. They have a non-conforming use; they were next to a junk yard forever. This is an improved situation. It may not be perfect in terms of having a house in a Highway Business Zone, but what they are talking about in a Site Plan Review is approval with or without conditions. This is case law; this is a Site Plan Review, which is a use "by right". It is a project that fits with all dimensional and density requirements. There is plenty of room to spare in terms of dimensional compliance, open space, lot coverage, and building coverage. The Applicant has agreed to the Draft Conditions, they have agreed to make it one-way, they have agreed to add signage and Attorney Marinelli would recommend that to Mr. Quirk. Attorney Marinelli feels, given the zone and the use "by right", they have a very reasonable proposal, and as the Director points out to move curb cuts you start condensing the distance between them and you start condensing the circulation patterns. The Jeep site has one entrance, but the building is set back significantly.

Member Kroha's thought on the curb location is, if customers are coming in from the back, then from a consumer standpoint it doesn't appear that it would be too much of an impact to use the back entrance rather than the front one. The question is whether the Applicant would agree to a condition that says you would only have the one entrance unless the Fire Chief says that you need to have two for fire safety reasons. Attorney Marinelli cannot answer that as he doesn't have the authority or the discussions with the manufacturer. He doesn't know what else they can do. The Director states if this is something that needs to go back to the manufacturer because we cannot reach agreement, then we should continue the hearing.

Attorney Marinelli and Chairperson Joyce confirm that the suggestion for signage was the Chairperson's recommendation to ensure that the second curb cut was not an active entrance. The Chairperson was trying to find some sort of balance, but she is not sure the abutter would even agree to that. The Chairperson looks to Attorney Marinelli for a suggestion. Attorney Marinelli explains that the Engineer, Jim Burke, is trying to reach someone to see if this is anything that can be redesigned. Attorney Marinelli states this is a straightforward design. It is unfortunate to get tied up on this issue without answers and then wait another month. Attorney Marinelli states they will try to get an answer.

Member Grove asks if there is any access available to Hill Avenue. Attorney Marinelli responds that, from observation, it is too steep.

Chairperson Joyce suggests that we pause this discussion and move it to the end of the meeting after we take up the next and final continued public hearing.

CONTINUED PUBLIC HEARING: SPECIAL PERMIT/SITE PLAN REVIEW (File #22-04)

1579 Washington Street, Harmony Contract Furniture LLC, Applicant

11:05 PM – Four Planning Board Members and one Alternate Member are participating. Member Kent is absent.

Appearing on behalf of Applicant:

Attorney Frank Marinelli

Shawn Hardy, Hardy + Man

Christine DiStasio, Harmony Contract Furniture

Chairwoman Joyce asks for the Applicant to begin their presentation.

Attorney Frank Marinelli is here representing Christine DiStasio and Harmony Furniture, which is a woman-owned, high-end provider of country club furnishings to hotels, universities. She has been in business since 2012; she is a Braintree resident. Her small business is currently at Garden Park. Ms. DiStasio has sought a site for her corporate headquarters. The property at 1579 Washington Street became available; it is the former Frye Insurance Agency. The Applicant has a Purchase and Sale agreement to purchase the property, subject to permits. The closing will occur some time in July. Attorney Marinelli advises that Ms. DiStasio has diligently worked to assemble a development team. The Applicant went to the Zoning Board and received approval in May 2022 for the parking because it is only a 5460 square foot building, and the office space is approximately 3122 square feet. That triggered some parking that was unnecessary for a corporate office for the owner and four project managers. The business does not have visitors, other than occasionally by appointment. Staff works remotely onsite by computer with customers throughout the country to provide high-end furnishings. The property is in General Business Zone with a watershed overlay. The Applicant has submitted the engineering and that it is going to be Peer Reviewed as a condition. The water table is high in this area, and there must be about 800 cubic yards of fill brought in to raise the level of the site. The site has some complexity, and the Applicant is dealing with site characteristics in a very responsible way. All of that is addressed in the Draft Conditions and the Engineering Report. Attorney Marinelli explains that they have accepted that the engineering will be Peer Reviewed. If the Peer Review comes back with other conditions, in addition to the 68 conditions that they currently have, then the Applicant will work with any additional requirements. Attorney Marinelli explains that the building is beautiful and a tremendous addition to the General Business Zone. The Applicant has spared nothing in terms of the look of the building. It is a corporate headquarters that Braintree will be very proud of for a small business. Attorney Marinelli states the Applicant should be very proud of what

she has done to develop this site and an aesthetic product for the town and her business. In addition to the design of the building, there is very generous landscaping shown on the Landscape Plan. Attorney Marinelli wanted to recap this information for the board and explains that the Applicant's team has worked with staff on Draft Conditions for approval. Attorney Marinelli thinks it is appropriate for approval and would like the Board's support in granting approval this evening.

Chairperson Joyce asks Assistant Director Connor Murphy for an update on this matter. Mr. Murphy explains that the Staff Report was originally issued on June 9th and then revised through June 14th to include draft findings and conditions with reference to numerous things that need to be satisfied before the Applicant can put a shovel in the ground. The Applicant will have to go through a Peer Review for the Stormwater Management System on this site. This has been conditioned in a manner that any changes, based on the results of the Peer Review Services, would have to come back before the Planning Board. In addition, Mr. Murphy explains that staff has proposed several conditions regarding site access, construction, grading, lighting, refuse removal, certain operational conditions regarding the garage door(s) and landscaping. The Draft Findings touch on the site's redevelopment, compliance and the improvements that are proposed onsite.

Chairperson Joyce opens discussion to the public; as there are no comments or questions, Chairperson Joyce opens discussion to the Planning Board Members.

Member Mikami has never seen the post-facto Peer Review before. Director SantucciRozzi explains that we have a small business owner that wants to purchase the property, and the time constraints that they have around the Purchase and Sales would have been delayed if we had pursued the Peer Review. This situation has transpired over the past week. The Director explains that Chairperson Joyce has a concern about some of the materials that presented, and we have talked to Deb Keller about doing a cursory review of that. The Director states they are optimistic that Ms. Keller has no comments or minimal comments that Mr. Hardy can quickly revise, and it can be shown to this Board as a Minor Modification. Staff is continuing to make sure that the integrity of the project is upheld, and the Board is protected while working with this small business owner. The Director explains that the Assistant Director has done an excellent job putting together the Draft Conditions, and she has reviewed them and feels there is enough assurance. Member Mikami asks if the Applicant currently owns the property. Attorney Marinelli explains she does not; it is under Purchase and Sale Agreement with a July closing date. Attorney Marinelli explains that this is a small site, and he is not an engineer, but it would seem like there is a limited number of things you can do to achieve building a building. Member Mikami reminds that this situation is highly unusual, and if there are things that need to be attended to, the Planning Board expects them to be done. Christine DiStasio confirms her understanding of this matter.

Member Kroha confirms that the other permit that Attorney Marinelli mentioned was the Variance, which allowed the project to go forward with ten parking spaces. Member Kroha can understand where the Applicant is coming from as this is not an ideal circumstance from her perspective.

Member Grove asks what the size of the original building was. Assistant Director Murphy doesn't have that information available due to the fire. The Director advises that you have two years to rebuild exactly what was there. Attorney Marinelli states that the opinion was as long as the Applicant was in conformance with setbacks and lot coverage, which they are, then it is acceptable. Member Grove confirms with Attorney Marinelli that it is an undersized, pre-existing, non-conforming lot by about 640 square feet. Attorney Marinelli states that the alternative is to do nothing, and it becomes vacant land. Attorney Marinelli advises that they did get a finding, as well.

Member Connolly's questions were answered in the last meeting.

Chairperson Joyce has a couple of follow-up comments/questions. The Site Plan notes the same first floor elevation at the front entrance as the garage. On an Architectural Plan there might have been a six-inch difference between the two. Chairperson Joyce asks for a confirmation on whether there was a difference or not. Ms. DiStasio confirms there is a difference. Chairperson Joyce wants to make sure that is reflected on the Site Plan. Chairperson Joyce states with regards to the Staff Report and what has transpired with the storm-water review, she did make a comment at the last meeting regarding an infiltration rate. She thought there would be further comments coming from the Town Engineer and the Stormwater Department that might be more technical in nature. Although Chairperson Joyce is a professional engineer, she tries not to take on a review of a project. With that being said, her comment was not adequately addressed yet. She is happy to see the potential option to do a Peer Review on the drainage. One question the Chairperson does have is related to the Staff Report where it mentions Special Permit analysis for the watershed protection district, under Number 3, she confirms that a comment related to the watershed overlay bylaw criteria was a Staff Report comment and not a Finding. She also confirms that the Stormwater Report was titled "Project Narrative".

Chairperson Joyce comments that the only reference she sees in the Project Narrative to the DEP Stormwater Management Policy is that this project is not subject to the DEP Stormwater Management. Therefore, she thinks the statement in the Staff Report is not correct. Chairperson Joyce thinks the Planning Board review is to make sure that the site works, and if there is no one saying that they have reviewed the drainage and it works, the Chairperson struggles with the timing of that, especially because it is in the Watershed Overlay Protection District. However, the Chairperson is thrilled with the small business aspect of the Applicant's company. The Chairperson, who is also a small business owner, expresses that she wears a lot of hats, and she is trying to balance what she would expect of a project moving through the Planning Board.

Shawn Hardy, Hardy + Man, explains that he didn't intend to ignore a comment. He honestly is not certain what the Chairwoman is referring to. He explains that he did soil evaluation, he dug four test pits, he found coarse sand all over the site, he used the rates required under stormwater policy, and he applied an infiltration rate of 8.27 inches per hour. For context, Mr. Hardy considers this a partial redevelopment. The existing pavement runs to the rear of the lot; they reduced the size of the pavement. They increased some pervious area; the increase is the building. Mr. Hardy infiltrated all of that. He knows that if you are over 2.41 inches per hour you need more pretreatment, but it being a roof, it is already clean and doesn't need any pretreatment. Mr. Hardy explains that without context of Chairperson Joyce's comment, he is not sure what is unacceptable. He did get the opinion of other engineers in his office as well as Peer Review engineers in other towns. Mr. Hardy explains that he tried to address all other comments in the Staff Report as well as comments from Stormwater Division and DPW. Chairperson Joyce comments that typically the 8.27 is reserved for great draining soil. Taking into consideration that there is relatively shallow water table, you are bringing in materials, and there are ledge outcroppings on the site, it seems like a potential over-exaggeration of the rate. However, the Chairperson didn't want to take on that technical review, as she thinks that purview lies under someone from the Town reviewing and accepting the drainage design on behalf of the Town. Mr. Hardy explains that it was just coarse sand, and surprisingly better soils than he has seen in Braintree in a while.

Chairperson Joyce notes there are no further comments from Planning Board Members. The Chair entertains a motion to enter correspondence into record.

Member Mikami **MOTIONS** to enter correspondence into record through June 14, 2022; seconded by Member Grove; voted 5:0:0. Four Planning Board Members and one Alternate Member are participated. Member Kent is absent.

Member Kroha **MOTIONS** to close the Public Hearing; seconded by Member Grove; voted 5:0:0. Four Planning Board Members and one Alternate Member are participated. Member Kent is absent.

Chairperson Joyce confirms that we have the Draft Conditions, which the Applicant has reviewed and in agreement with, and she advises that Chair can entertain a Motion on this Application.

Member Kroha **MOTIONS** to grant Special Permit and Site Plan Review to PB File #22-04, 1579 Washington Street, with conditions as drafted; seconded by Member Mikami; voted 4:1:0. Member Grove was the opposing vote. Four Planning Board Members and one Alternate Member are participated. Member Kent is absent.

Chairperson Joyce calls back the Application that was tabled earlier in the meeting.

CONTINUED PUBLIC HEARING: MAJOR MODIFICATION TO SITE PLAN REVIEW (File #15-07)

429-445 Quincy Avenue, K. Spillane LLC, Applicant

11:30 PM – Four Planning Board Members and one Alternate Member are participating. Member Kent is absent.

Jim Burke, DeCelle-Burke-Sala and Associates, announces that he has the opportunity to eliminate that curb cut and add a little more pervious area. They will just operate with the one wide, existing curb cut. Chairperson Joyce confirms that the Applicant has indicated that they would be able to eliminate the second curb cut that was shown as a one-way curb cut. Attorney Marinelli explains they could accept the Conditions, as drafted, and file a revised plan that shows what Mr. Burke reported. Chairperson Joyce confirms to the residents in attendance that the curb cut across from their property has been eliminated.

Member Grove **MOTIONS** to close the Public Hearing; seconded by Member Mikami; voted 5:0:0. Four Planning Board Members and one Alternate Member are participated. Member Kent is absent.

Member Grove **MOTIONS** to enter correspondence into record through June 14, 2022; seconded by Member Mikami; voted 5:0:0. Four Planning Board Members and one Alternate Member are participated. Member Kent is absent.

Member Kroha **MOTIONS** to grant the Major Modification to Site Plan Review to PB File #15-07, 429-445 Quincy Avenue, with conditions as drafted and the change discussed on the record to eliminate the second curb cut; seconded by Member Grove; voted 5:0:0. Four Planning Board Members and one Alternate Member are participated. Member Kent is absent.

Member Mikami **MOTIONS to adjourn** the meeting; seconded by Member Grove; voted 5:0:0.

The meeting adjourned at 11:34 PM.

Respectfully submitted,
Louise Quinlan, Planning/Community Development