



**Mayor
Charles C. Kokoros**

Department of Planning and Community Development

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PLANNING BOARD

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Approved September 12, 2023

Braintree Planning Board – Tuesday, July 11, 2023, Cahill Auditorium, Braintree Town Hall

Present:

Mr. Darryl Mikami, Clerk
Mr. William J. Grove, Member
Mr. Thomas Kent, Member
Ms. Jennifer Connolly, Alternate

Melissa SantucciRozzi, Director
Connor Murphy, Assistant Director

Absent:

Ms. Kim Kroha, Vice Chair

Acting Chairperson Darryl Mikami calls the meeting to order at 7:00 PM in Cahill Auditorium and then states that we have three (3) full members (Member Mikami, Member Grove, Member Kent) and one Alternate Member (Member Connolly) present this evening. He notes that Vice Chair Kroha is absent. We will address Old/New Business Items first, and the Public Hearings will begin at 7:15 PM or after.

OLD/NEW BUSINESS – Approval Not Required Subdivision Plans – 80 Independence Avenue and 85 Washington Street – Archbishop Williams High School, Applicant 7:00 PM – Three Planning Board Members and one Alternate Member are present.

Director SantucciRozzi explains that Dennis Duggan, President and CEO for Archbishop Williams High School is in attendance. She has prepared a report that is in the Board Member packets. Materials were circulated last week. This is an Approval Not Required Subdivision Plan for 80 Independence Avenue and 85 Washington Street. Director SantucciRozzi explains that what Archbishop Williams is looking to do is to swap some land. St. Coletta's, located at 85 Washington Street, is going to give about 2300 square feet to Archbishop Williams, and Archbishop Williams is going to give about 932 square feet to St. Coletta's. These are basically two triangles on the Washington Street side of the property, noting that the Archbishop Williams' piece has quite a bit of access and frontage along the Independence Avenue side. The swapping of these parcels will affect the frontage, but these parcels, as noted in the report, have well over the required frontage. One has over 1200 feet of frontage, and the other one has over 300 feet of frontage after the swapping of those parcels. Planning Staff is recommending endorsement.

Acting Chairperson Mikami as if the Applicant would like to make some remarks.

Dennis Duggan, President and CEO for Archbishop Williams High School thanks the Planning Board for allowing him to be here tonight and for considering this application. This is a plan proposed between two long-standing and very friendly and good neighbors. Essentially, Archbishop Williams is in need of adding a modular classroom building to their property, and this land swap allows them to place modular classroom in the most advantageous position, including avoiding an underground gas pipe, which would have to be removed if they

were going to build it under the current property line. It also allows their neighbor, the Cardinal Cushing Center, to gain needed parking spaces. This is along a shared property line, which is not buildable for any other reason. All parties are in favor of this. This was at the suggestion of Cardinal Cushing because, although everybody approved, they thought the actual conveyance of a deed process would take longer. There is a time element to begin the citing of the modular classroom building, and Mr. Duggan explains that it was Cardinal Cushing's suggestion that they go through this process.

There are no questions comments from the public.

Member Kent has no questions. Member Grove has no questions. Member Connolly as no questions.

Acting Chair Mikami has no questions, and he states it seems straightforward.

The Director explains if the Board is looking to move forward on this application, you can move the staff recommendation, which is to endorse the plan or you can make a motion to endorse the plan as submitted.

Member Grove **MOTIONS** to endorse the ANR Plan for 80 Independence Avenue and 85 Washington Street; seconded by Member Connolly; voted 4:0:0.

**OLD/NEW BUSINESS – Request for As-Built Approval – PB File #05-06 –
16-18 Pearl Street - Bohler Engineering, Applicant
7:05 PM – Three Planning Board Members and one Alternate Member are present.**

Assistant Director Connor Murphy requests that we take up the As-Built Approval for 16-18 Pearl Street. He explains that the Applicant is requesting As-Built Approval; the Applicant originally made this request back in November of 2022. At that time, staff felt there were further improvements to be made to the property as part of their renovation project. The Applicant committed to sealcoating, crack sealing and restriping the parking lot to ensure an aesthetically pleasing site within South Braintree Square. In doing so in November, the Planning Board voted to release all surety related to this project, given that the property owner made that commitment. Staff has been by the site several times; it looks great. The Applicant has done all that is requested. Staff is recommending that the Planning Board grant as-built approval with surviving conditions 1, 5, 7, 13, and 23.

There are no questions or comments from the public.

There are no questions or comments from Members Kent, Grove, Connolly or Mikami.

Member Kent **MOTIONS** to grant the As-Built Approval for PB File #05-06, 16-18 Pearl Street with surviving conditions as described by staff; seconded by Member Grove; voted 4:0:0.

**OLD/NEW BUSINESS – Request for Waiver of Special Permit Pursuant to 135-608 Floodplain
28 Ellery Street – Erin and Martin Mulkerrin, Applicant
7:08 PM – Three Planning Board Members and one Alternate Member are present.**

Director SantucciRozzi explains that we have a request for a waiver of a Special Permit pursuant to 135-608 Floodplain. There is a letter dated June 13, 2023, in member packets. Kelly Phelan, our Conservation Agent, and the Director met with this resident. His property is in close proximity to the wetland buffer and also in the 100-year floodplain. He has gone to the Conservation Commission for both the proximity to the wetland area

and the floodplain, and he is seeking a waiver. The only thing that will be in the actual floodplain is a few sauna tubes that come to about 12 cubic feet of volume. As we have in the past for these small projects that do not impact the floodplain or have grading activity, in order to work with these homeowners, we have asked the Planning Board to waive the Special Permit requirements given the impact is miniscule and it has been reviewed by the Conservation Commission and they issued an Order of Conditions.

There are no questions or comments from the public.

Member Kent has no questions or comments.

Member Grove asks what the voting requirement is for this matter; Director SantucciRozzi advises that four votes are required to waive this.

Member Connolly has no questions or comments.

Member Mikami has no questions or comments. Member Mikami confirms that this is a small project.

Member Kent **MOTIONS** to waive the Special Permit pursuant to 135-608 Floodplain for 28 Ellery Street; seconded by Member Connolly; voted 4:0:0.

OLD/NEW BUSINESS – Board Member Term Limits

7:11 PM – Three Planning Board Members and one Alternate Member are present.

Director SantucciRozzi explains, as noted on the agenda, we have the discussion of the Board Member Term Limits. She has provided the memorandum prepared by our Counsel, which was dated today. The Director explains that there are a couple of paragraphs, but the important part, as she notes at the end of the memo is:

“Most importantly, in the interim, the Massachusetts Supreme Judicial Court has held that holdover appointees have valid authority. Therefore, any and all of the holdover members on any of the Town boards or committees, including the Planning Board, have valid legal authority to act on the matters before them.” The memorandum, in its entirety, will be attached to these minutes as **Attachment A**.

The Director feels that the member’s concern has been addressed, as we have this in writing from our Solicitor.

Member Grove would like to make a motion for the Planning Director to ask the Town Solicitor for information on the case law. We have had numerous dealings with town counsel. Member Grove would like to know what the case law is. The Director will ask Town Solicitor for this information.

OLD/NEW BUSINESS – MASTER PLAN

7:12 PM – Three Planning Board Members and one Alternate Member are present.

Director SantucciRozzi advises there will be a Master Plan Steering Committee Meeting on Thursday, July 20, 2023, where we have invited the Town Council and the Planning Board. We will be reviewing in detail the short-listed strategies. The strategies are what the town is going to do over the next decade to create the vision that the town has set out for themselves. She hopes people are available to make it. If you cannot make it, and

you would like to send some comments in, please feel free to do so. We can share those with the committee. All the short-listed strategies are available with a quick link on the Master Plan website.

Acting Chairperson Mikami advises that we still have two minutes before 7:15 PM, so we will have a slight intermission.

Member Connolly asks if there have been any developments for appointing new members to the Planning Board. The Director advises that there has been no development. Member Connolly asks if there is a timeline for when that may be expected, and the Director advises that she does not have that timeline.

NEW PUBLIC HEARING – 9/11 Union Place (PB File 23-04 – Site Plan Review
Chief James O’Brien, Town of Braintree Fire Department, Applicant:
7:15 PM – Three Planning Board Members and one Alternate Member are present.

Appearing on behalf of the Applicant:

Chief James O’Brien, Fire Department

Nathan Ketchel, Civil Engineer-GGD Consulting Engineers, Inc.

Steven Kirby, Project Manager

Ellen Light, Project Manager-Context Architecture

Amy Foster, Landscape Architect

Acting Chairperson Mikami asks Planning Staff to read the legal notice for the new Public Hearing.

Assistant Director Connor Murphy reads the legal notice.

Acting Chairperson Mikami asks the Applicant to identify themselves and begin their presentation.

Nathan Ketchel, Civil Engineer for the project introduces the team and explains that this is the renovation and addition to the Braintree Fire Headquarters. It is located on the corner of Union Place and Tenney Road. He walks through the existing conditions, explaining that the existing building is on the northern portion of the lot with parking to the south; he explains that what is being proposed is the removal of the existing bituminous on the site and the removal of a portion of the existing building, which is a single-story garage space. A new two-story addition is being proposed with facilities for the Fire Department. They are keeping the same shape of the building. The addition is slightly smaller by approximately 95 square feet than what is there currently. They are installing a dedicated accessible parking space with an accessible walkway and ramp into the building. There will be new bituminous along the eastern edge. They will create a landscaped island so that there are two entrances into the site. Right now, there are parking spaces that come up to the property line and maybe over the line into the right-of-way. They will be eliminating those parking spaces, so people are not backing out onto Tenney Road. They will be reducing the number of parking spaces from 32 to 25, which is acceptable to the department. It equates to approximately one parking space per 440 square feet of inhabitable space within the building. The portion of the building where the apparatus is stored is not factored into the parking calculations. They are not touching the wooded area at the southwest corner of the site. With the exception of the apron due to ongoing operations of the fire department during construction, everything else will get new bituminous throughout. With the renovated and added to building, there will be all new utilities, which will include a new pad mounted transformer for electrical service that will include running new three-phase wires overhead down Tenney Road and then going under-ground to a new pad mounted transformer.

From there, it goes back into the addition where the new electrical room is. There will be new communications services that will also go into the building. They will be adding a grease interceptor for the commercial kitchen so that fog can be removed from the sanitary waste that will be discharged from the building. There will be new oil-water separator for the floor drains within the apparatus bay area, as well as the garage to the south.

Regarding stormwater, currently everything that is on that site basically discharges to grade and sheet flows either to Union Place or to Tenney Road. Where they can, they will be putting in new deep sump catch basins with hydrodynamic water quality structures, which help reduce the amount of total suspended solids in the stormwater. Due to the site's soil conditions, the site is not conducive to infiltration. It is a dense till material, which can be like concrete. What they are going to do for nitrogen and phosphorus removal is provide a sand filter under the stormwater chambers prior to discharging into the municipal drainage system. There will be new emergency generator, which is sized to fully protect the building or operate the building during a power outage. It will be natural gas fed. There will be a new fire service in the building; currently there is no fire protection system in the building. That will change under the renovations to provide a fully sprinkled building. There are some downspouts on the site that currently discharge to grade, and they will need to continue due to their locations and available connection points. Overall, the drainage analysis, which was submitted, and will be submitted to DPW, shows that overall, the peak flow is reduced from the existing condition.

Grading is relatively minimal; they are resurfacing the parking lot while also retrofitting the site to have a compliant stormwater system. Grading is limited to what needs to be done – getting stormwater to the points where it needs to, as well as providing an accessible pathway from the parking spaces into the building.

Lighting on the site will be minimal. The main focus will be to light up the Union Place side of the building, as well as any emergency egress doorways. This was discussed at length last night at the Historical Commission.

Amy Foster, Landscape Architect, states that the landscape planting scheme is straightforward. They have trees in the parking island to provide that tree-scape atmosphere and some screening and shade that will be a fairly columnar canopy red maple tree and below that will be lawn for ease of maintenance and ease of visibility. Around the front building there is a pretty diverse mix of perennials and shrubs that will soften those hardscape additions, soften the edges of the building, and provide some cheerful perennial blooms in the summer. One careful consideration is for the site triangle turning in and out of Tenny Road. All the plant selections within that conservative site triangle will be below 24 inches in height, and that 24 inches is just the top of the flower bloom. None of these are super dense evergreens. They will be a perennial bed within those height constraints and then some shrubs to soften that entryway and provide some sense of threshold.

Ellen Light, Project Manager for Context Architecture, is presenting the elevations. On each sheet, you will see the existing elevation at the top and then the proposed elevation at the bottom. At the front of the building, they want to make sure it respects the historical tradition. They are cleaning the brick and repointing, especially on Union Place. They are changing out the windows, which are currently an inexpensive vinyl window. She describes the pattern and explains that it is more of a historic look. They are cleaning up the cast stone, which has shown wear and staining. They are lighting the signage, as Nathan had explained. They are cleaning up the entry. They are returning the look to a historical look by changing back to a pair of doors with glass side lights and a glass transom that represents the way it was historically. They are putting an addition where the old garage is located. That addition will be built in the same vocabulary as the existing building with the same brick pattern and color and carrying the same windows. They will be replacing the cornice and the trim, which has worn over time. This will be replaced with painted wood trim with the same profile. The cornice will be replaced with the same profile in painted mahogany, which will be durable.

Currently the roof is an asphaltic product. They will be replacing the roof with a product that looks like slate. They are not able to do real slate because of the change in codes and the weight of the slate would require a lot of engineering. A big part of the renovation is to make the building accessible. They are getting rid of the metal ramp and replacing it with a concrete ramp with painted metal rails, which is shown on the left of the elevation.

Ms. Light highlights the Tenney Road elevation. It shows the new addition, which is replacing the one-story garage. It will be in the same vocabulary as the existing building. There is a rear garage that will remain in place, but they will clean it up; they will repaint, repoint, clean up the masonry, and replace a few windows. Ms. Light explains that the addition has a flat roof, and they have a large air handling unit that will be sitting on that roof. It needs to be screened acoustically to make sure that the sound is correct for Tenney Road neighbors. There will be a painted metal screen, which you see in white on the elevation. It will be painted a color to make it compatible with the roof so that it won't stand out.

Ms. Light highlights the rear elevation or south elevation, which is what you would see from the parking lot. They will be replacing windows, cleaning up the masonry, cleaning up the trim and the cornice and the gutters. There is the old hose tower that is remaining in place. You can see the two-story addition to the right and the screening; you can see the low garage that will remain in place.

Lastly Ms. Light highlights is the side elevation or the west elevation, which faces Washington Street. There is a side door into the apparatus bay from there. Similarly, to the rest of the building, they will be cleaning up the masonry, replacing the brick, and replacing the trim.

Ms. Light reviews the floor plans. It is basically a two-story building. It does have a basement area, but not much is being done in the basement other than relocating the electrical room into the new addition, which was a functional decision that needed to be made. The first-floor plan shows the work they are doing on the right side. They will be cleaning the four-bay garage and putting in new mechanical, electrical and plumbing, as required. They will be bringing the de-con area up to current standards. There is also a gear lock room. In the entrance to the building, the lobby will be made accessible with a public restroom. There will be an elevator which takes people up to the second-floor administrative area. On the first level, the addition is mostly wellness space. There are also service spaces with the elevator, mechanical room, and electrical room. On the second floor, they have reconfigured the living areas so that most of the firefighter rooms are now single occupancy. The kitchen/dining space will be upgraded to a commercial kitchen with good storage and the plumbing services that are needed for a commercial kitchen. They will be adding more showers to the living space. To provide this additional living space, the administrative area is moving to the second floor of the new addition. On the attic level, they will go in for mechanical work, insulation, and roof repair. Ms. Light concludes the architectural piece and is ready to take questions.

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

Sue Marble Cuthbert, 4 Tenney Road, on the corner of Tenney Road and Union Place, states that everything she is seeing looks beautiful and sounds wonderful. She had a question about the sound and the screening piece. She asks for an explanation. Ellen Light explains that they have located a rooftop unit on top of the building that exceeds the decibel level that would meet code. So, they have worked with an acoustical engineer and will be adding screening around it so that it stays quiet and to buffer the sound.

Member Kent asks if he can still vote on this matter as he is a member of the Historical Society. Director SantucciRozzi clarifies that the Historical Society owns both direct abutter properties. The Director clarifies that when in doubt she would probably recuse herself.

Member Grove has no comments or questions.

Member Connolly thinks the ramp really broke up the volume of the addition nicely. She asks if there are any noise reduction considerations included in the plans for nearby residents. Ellen Light explains that the screening is both a visual and acoustical screen. They have worked with the Centec, with their acoustical engineer who has measured decibel levels. Member Connolly clarifies that her question was not specific to the roof unit but just generally are there any considerations to reduce noise for the local neighborhood. Ms. Light states they are not doing anything that would increase or create noise. There are other mechanical units on the other side of the garage that are tucked in away from Tenney Road, and they will also have acoustical screening. They are being cognizant of residents, and they are not introducing new noise. Most of the noise is not on the side of Tenney Road.

Member Mikami has no questions. He is thankful that we are finally fixing this building. His only question is whether there has ever been any drainage work done on this site. Nathan Ketchel advises that he cannot say for certain if any has been done; however, given that there essentially is no drainage infrastructure on the property, he would have to go with a “no”.

Member Mikami states the plan looks extensive. Mr. Ketchel states they are picking up as much of the site drainage as they can, especially given the additional landscape island that is going to be placed between the parking lot and Tenney Road. Unless they want to change the way the site operates, it would be difficult to go beyond that. Mr. Ketchel wants to mention that they are looking for locations for snow storage, and they will be putting together some calculations related to that. Additionally, for refuse they use residential-style trash receptacles which are picked up on Friday.

Assistant Director Connor Murphy states that staff has reviewed this project. Both the Director and Assistant Director have been working with the project team for several months. It is great to see the progress that has been made so far. Staff did make some minor comments to which Mr. Ketchel did identify during his testimony. Mr. Murphy advises that staff is recommending that this be continued to August with permission from the Board to prepare draft findings and conditions ahead of the meeting.

Member Grove **MOTIONS** to continue this hearing to the August 8, 2023, meeting of the Planning Board; seconded by Member Connolly; voted 4:0:0.

CONTINUED PUBLIC HEARING – Town Council Orders (#23-041, #23-042, #23-043)
New “Definitions” Section 135-102, New Uses “Table of Principle Uses” Section 135-601,
New “Schedule Off-Street Parking Requirement” Section 135-806 and Parking Requirements Brewery,
Production Studio and Function/Conference Facility:
7:45 PM – Three Planning Board Members and one Alternate Member are present.

Director SantucciRozzi explains this amendment has been discussed by the Board a couple of times, there were some drafts, and then the Board directed her to file this amendment with the Town Council, which she went ahead and did on May 23, 2023.

Basically, the memo provides a little more detail than we have in the past the definitions we are looking to add. That is for the Production Studio, the Brewery with Tap Room, the Brewery Production Use, and the Function and Conference Facility Use. The report is structured to show the proposed definition, and the Director has included an excerpt from the Use Table highlighting the districts. The Production Studio would be allowed “by right” in Highway Business and Commercial. The Brewery with Tap Room would be allowed “by right” in Highway Business and Commercial and by a Special Permit in the General Business and the Landing. The Brewery Production Use, which would not have the Tap Room element, would be allowed “by right” in Highway Business and Commercial. The function and Conference Facility Use would be allowed by Special Permit in Highway Business and Commercial. Parking requirements are shown. The Director explains that they have had some recent interests with somebody looking to do a restaurant/function facility. This is just a tightened-up version of what we have been talking about. The Director is happy to go into more detail. These definitions allow for the public element and allow for the food provision (both inhouse and/or mobile). This provides for an area where a food truck can park.

Member Kent thinks it is a good idea to do this. He was concerned that Sheraton Tara is gone, F1 is gone, and Lombardo’s will soon be gone. Is that an opportunity or is that a message? He thinks that nevertheless being prepared by doing this is a good idea. Director SantucciRozzi has noted that these types of locations are lacking in town.

Member Grove has a concern about the Planning Board setting the parking requirements for these facilities. He thinks standards will change as the board changes, and you need a baseline to start from because you can amend it. The Director clarifies that the Planning Board cannot grant parking relief; the Zoning Board grants parking relief. Member Grove asks how we granted relief to South Shore Plaza; the Director clarifies that it wasn’t relief it was setting a parking ratio for a regional mall. The Director clarifies that in the Bylaw, in Section 806, Section A has the requirements and B and C say if the use is not listed then the Planning Board sets it. If you list it with a requirement and you vary from that, you are going to the Zoning Board of Appeals. Member Grove thinks we should have a standard to work from. The Director explains that the reason why she is suggesting this is because functions have become so different. Now there are all kinds of outdoor areas in function facilities. Some of these function facilities also have restaurants and other types of entertainment. The reason she would like it to be set by the Planning Board is because with a special permit you would be able to see the components of what is being proposed and appropriately set a requirement and put conditions on it. It allows the Planning Board to be involved in figuring out and determining the parking versus the applicant not meeting an arbitrary ratio and they need to go to the Zoning Board of Appeals to get a Variance. Member Grove thinks you are setting a variable guideline; the Director states it should be variable because these facilities vary and could be very different. Member Grove thinks Planning Board members should be given some guidelines; the Director clarifies that parking requirements are not guidelines, they are requirements. She explains that we need to understand how these locations are functioning and what they will be offering to patrons, as some of these places have multiple facilities and functions at the same time; we need to look at this on a case-by-case basis. She states the reason for doing this is so that parking at the places that have the potential for having larger attendance is addressed.

Member Connolly asks that parking is often tied to square footage, is it ever tied to occupancy. Staff clarified that parking for restaurants it is determined by seats, but otherwise it is usually by square footage. Member Connolly asks about the brewery with tap room and the mobile services. Would it be within the individual hearing that you would set the requirements in terms of safety related to designating a spot for a food truck and making sure that area was safe? Director SantucciRozzi clarifies that similar to a loading area, we would look

to make sure that it was dimensioned appropriately and there was room for people to line up. Member Connolly asks, in the newer world of food trucks, is there generally safety precautions taken in that area to separate vehicles that are in the parking lot from the patrons? The Director clarifies that it is typically separated, but we would also want to make sure that it's not displacing patron parking. Member Connolly appreciates the updates, which are very timely and helpful for people trying to develop a business.

Member Mikami comments, in terms of brewery production, we have Widowmaker right now. The Director clarifies that they would be under the brewery with taproom. Member Mikami asks if there is a limit on how many breweries or breweries with taproom we would have within the town? This creates a path for someone wanting to do something smaller or more creative or crafty. Member Mikami asks would a brewery with tap room get a liquor license? The Assistant Director clarifies that these facilities operate under an agricultural license rather than a liquor license. It is more of a craft category and more specific than the typical bar experience. Member Mikami asks if we are supposed to take a vote on this. Director SantucciRozzi would like the Planning Board to vote on this to keep this moving, as the agenda for August is extensive.

Member Connolly **MOTIONS** for a favorable recommendation to the Town Council; seconded by Member Kent; 3:1:0. (Member Grove is opposed; 3 favorable votes are needed for a recommendation).

Member Grove would like the Planning Director to get the Mass General Law case law from the Town Solicitor related to the case law she was referring to in her memo. His only issue is that the Town Solicitor's response is rather vague, and there are numerous histories when town counsel gets vague, we get into problems. The Director will ask for that to be provided.

Member Grove **MOTIONS to adjourn** the meeting; seconded by Member Kent; voted 4:0:0.

The meeting adjourned at 8:10 PM.

Respectfully submitted, Louise Quinlan, Planning/Community Development