



Charles C. Kokoros  
Mayor

## Department of Planning and Community Development

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### PLANNING BOARD

Erin V. Joyce, Chair  
Darryl Mikami, Clerk  
James N. Downey, Member  
William J. Grove, Member  
Thomas Kent, Alternate Member

**Approved 9/14/2021**

### **Braintree Planning Board – July 13, 2021 at 6:00 PM – via ZOOM**

#### Present:

Ms. Erin Joyce, Chair  
Mr. Darryl Mikami, Clerk  
Mr. James Downey, Member  
Mr. William J. Grove, Member  
Kim Kroha, Member  
Mr. Thomas Kent, Alternate Member

Melissa SantucciRozzi, Director  
Connor Murphy, Zoning Planner

Chairwoman Erin Joyce opens the meeting at 6:04 PM, provides an overview, explains the process to address issues on ZOOM, highlights the Agenda, and explains how to comment during the meeting via Chat, by email, by raising your hand or via telephone. The phone numbers will be put in the Chat. Chairwoman Joyce then takes attendance via a roll call. Five (5) members and one alternate member (Member Mikami: HERE; Member Downey: HERE; Member Grove: HERE; Member Kroha: HERE; Member Kent: HERE; Chairwoman Joyce: HERE) are in attendance. Chair Joyce is jumping down to New Business before our first Public Hearing is scheduled to begin at 6:15PM.

### **NEW BUSINESS: WELCOME NEW MEMBER KROHA AND BOARD ORGANIZATION:**

#### **6:04 PM**

Chairwoman Joyce welcomes our new member, Kimberly Kroha, who is a full member on the board taking over the place of a former member. Chairwoman Joyce would like to address the Board Organization, and asks Director SantucciRozzi to provide an outline. The Director explains that Member Phillip Baker, who was the Vice Chair, left the Board a couple of months ago. The Director thought it was an appropriate time to add a Vice Chair, in the event the Chair is unavailable to run the meeting, now that we have five full members and one Alternate Member. Member Mikami would like to nominate our new member Ms. Kroha; she has been on the Conservation Commission and serves as a Land use Attorney. She has a lot of experience in the Planning area including with Braintree Town Government. Chairwoman Joyce asks if Member Kroha would accept the nomination. Member Kroha is happy to accept. This is voted by roll call vote 5:0:0 (5 Votes: Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chairwoman Joyce: YES)

### **NEW BUSINESS: UPDATE ON THE MASTER PLAN STEERING COMMITTEE:**

#### **6:09 PM**

Chairwoman Joyce, as a member of the Master Plan Committee, provides an update. The Town issued an RFP to seek a consultant to help with the process. Those applications are due this week, and the department, the Mayor's office and the committee will be reviewing them over the next few weeks. The next meeting of the Master Plan Committee is July 27, 2021. All of the materials related to the Master Plan can be found on the website. We will keep the Master Plan Updates on the Agenda. The Chairwoman suggests that individuals should reach out if they have any questions. Director SantucciRozzi states the proposals will be coming in Friday, by Noon. Over 50 People have downloaded the solicitation from the Town's website. We will be reviewing responses from RFP at next meeting on July 27 as well as discussing the next steps.

On the Town's side, we are very excited that so many people have taken out the solicitation. There are several very qualified and well-known groups that have taken that out. We look forward to receiving those responses on Friday. Chairwoman Joyce asks if any of the Board Members have any questions; she mentions that they can reach out to her or to the Director with any questions.

**NEW BUSINESS: July Zoning Board of Appeal Recommendations:**  
**6:12 PM – Five Planning Board Members and one Alternate Member are participating.**

Chairwoman Joyce advises that there are four Petitions before the Zoning Board of Appeals for their July Meeting. She asks the Zoning Planner, Connor Murphy, to present the Petitions.

**Petition #21-17 – 111 Monatiquot Avenue**

**Description:** Applicant seeks a Finding to construct a 25.5 Ft x 30 Ft Two Story Addition along a Non-Conforming Setback of 24 Feet.

**Recommendation:** Staff recommends Approval with Conditions.

ZBA Planner, Connor Murphy, brings up the Plot Plan. Chairwoman Joyce confirms that the Applicant is proposing an addition in the side yard along Monatiquot Avenue. Mr. Murphy confirms that they will be extending the non-conforming rear yard setback of 20 feet.

Members Mikami and Downey have no comments or questions.

Member Grove asks if there is a patio there already. Mr. Murphy states a portion of the existing driveway currently exists; Mr. Murphy clarifies that this is a full two-story addition; it is an increase in the footprint.

Member Kroha has no comments or questions.

Member Kent asks if the abutters have been heard from. Mr. Murphy is awaiting letters of support, as he suggests to all applicants that they contact abutters.

Chairwoman Joyce has no other comments or questions; therefore, the Chair will entertain a motion.

Member Mikami **MOTION** to support staff recommendation; seconded by Member Kroha; voted by roll 6:0:0 (6 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent has voted, while only five votes are necessary.**

**Petition #21-18 - 136 Walnut Street**

**Description:** Applicant seeks a Variance to install a 16ft x 12 Ft. rear deck. The Rear Yard Setback is proposed to be 21.6 Feet where 30 Feet is required.

**Recommendation:** Staff Recommends Denial as the Applicant has not provided a valid hardship pursuant to M.G.L. Chapter 40A Section 10 and Braintree Zoning Bylaw Chapter 135-407.

Members Mikami, Downey and Grove have no comments or questions.

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Member Kroha asks if the Applicant presented any assertion of a hardship. Mr. Murphy states they tried to tie in topography and shape of lot. Mr. Murphy has asked the Applicant for better language, but currently it is insufficient.

Member Kent has no comments or questions.

Chairwoman Joyce has no comments or questions.

Member Grove **MOTION** to support staff recommendation for denial; seconded by Member Kroha; voted by roll 6:0:0 (6 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent has voted, while only five votes are necessary.**

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### **Petition #21-19 - 4 Strathmore Circle**

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**Description:** Applicant seeks a Finding to construct a second story addition along the Non-Conforming Rear Yard Setback of 16.7 Feet.

**Recommendation:** Staff recommends Approval with Conditions.

Zoning Planner, Connor Murphy, displays the plan and explains the proposed addition is the hatched-out box area towards the rear of the dwelling.

Member Mikami has no comments or questions.

Member Downey asks for the area to be pointed out on the plan. Chairwoman Joyce explains other additions are being proposed, but only the hatched area in the rear is needing approval. Member Downey has no further questions.

Member Grove has no comments or questions.

Member Kroha has no comments or questions.

Member Kent drove by the neighborhood, and the other three houses adjacent to this lot are all two-stories; this would be not inconsistent with the neighborhood. Therefore, he is fine with it.

Chairwoman Joyce has no further comments or questions.

Member Grove **MOTION** to support staff recommendation for favorable action; seconded by Member Kent; voted by roll 6:0:0 (6 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent has voted, while only five votes are necessary.**

### **Petition #21-20 - 350 Granite Street**

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**Description:** Applicant seeks a Variance to install a 30 Square Foot Wall Sign to the existing office building.

**Recommendation:** The proposed sign will offer the location of the tenant within the building. The proposed sign will increase the Square Footage of signage on site to 171 Square feet where an aggregate total of 150 Square Feet is allowed. Staff Recommends Approval with Conditions.

Mr. Murphy shares the sign plan.

Member Mikami comments that they know it is 150 square feet; did they try to hit it? Mr. Murphy explains you are allowed one wall sign per business; the allowance is an aggregate total of all wall signs on the building. For them to be compliant, for them to propose a sign “by right” they would have to propose a wall sign that is 9 square feet.

Members Downey, Kroha and Kent have no comments or questions.

Member Grove asks if this is an illuminated sign. Mr. Murphy states yes.

Chairwoman Joyce has no further comments or questions.

Member Downey MOTION to move forward with staff recommendation. seconded by Member Kent; voted by roll 6:0:0 (6 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent has voted, while only five votes are necessary.**

#### **PUBLIC HEARING**

**238-310 Grove Street – PB File #21-13 - Special Permit and Site Plan Review**

**Applicant: Christo Gizelis**

**6:23 PM – Five Planning Board Members and one Alternate Member are participating. Alternate Member Kent is not voting.**

**Appearing for the Applicant:  
Christo Gizelis, Applicant**

Chairwoman Joyce notes that Member Kroha will be acting as a full member. Chairwoman Joyce asks for Applicants to keep the presentations to a minimum to leave more time for discussion and questions, as we have many hearings tonight on the Agenda.

Director SantucciRozzi reads the Legal Notice into record.

Christo Gizelis, Applicant, appreciates getting this done and being part of the community. He is looking to put a healthy shake, meal replacement and energizing tea shop in the Grove Street Plaza. It will be a great add to the plaza and to the community, as something like this doesn't currently exist in Braintree. He is looking forward to it, and hopefully we can get this done.

Chairwoman Joyce reminds that this is a public hearing and asks for any public comments.

Member Mikami confirms with the Applicant that it will be located next to the UPS Store. Member Mikami asks if this is just drinks and cold food. Mr. Gizelis states it is going to be made with dry goods, water and ice. It will be healthy shakes, meal-replacement shakes and teas.

Member Downey asks about the hours. The Director states it is defined through the Licensing Board. Mr. Gizelis states Monday-Friday 7:00 AM to 5:00 PM; Saturday 8:00 AM to 3:00 PM. Member Downey asks about outdoor delivery to cars; Mr. Gizelis states there would not be outdoor delivery.

Member Grove asks if there is seating within the establishment. Mr. Gizelis states there will be a bar with 10-12 stools. Member Grove asks, not related to this business, but he saw parking that blocks the fire lane and half the travel lanes, as two UPS trucks were blocking these last week.

The Director discusses recent updates to this site. There are two things outstanding – dumpster enclosures and As-Built. She will be speaking to Mike Moran about those matters, and she will bring up the parking situation to him.

Member Kroha has no questions. She thinks it will be a great fit and is excited to see it come in.

Member Kent states it sounds like a good idea and asks if this is Mr. Gizelis's first venture. Mr. Gizelis states he has two previous locations that have been successful.

Chairwoman Joyce thinks this is a great business to bring to Braintree. Chairwoman Joyce has not seen any comments from the public.

Chairwoman Joyce confirms that Mr. Gizelis has received Draft Conditions. Mr. Gizelis states he is all set with the Conditions.

Chairwoman Joyce has no further comments or questions; she continues to monitor the Chat for public comment. She asks for a point of clarification – will Member Kent be voting? Director SantucciRozzi clarifies that Member Kent can discuss each hearing but cannot make motions or vote because we have five full members on the new hearings; Member Kent will be voting on the continued hearings.

Member Mikami **MOTION** to close the public hearing; seconded by Member Grove; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Chair Joyce: YES).

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

Member Mikami **MOTION** for acceptance of the Special Permit/Site Plan Review for file #21-13, 238-310 Grove Street subject to conditions; seconded by Member Downey; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Chair Joyce: YES).

## **PUBLIC HEARING**

**290 Wood Road – PB File 21-11 - Special Permit Billboard**

**Applicant: Harbor Outdoor LLC**

**6:38 PM – Five Planning Board Members and one Alternate Member are participating.**

**Appearing for the Applicant:**  
**Kenneth Ingber, Attorney**  
**Drew Hoffman, Principal of Harbor Outdoor LLC**  
**Greg Ziomek, Construction Supervisor**

Director SantucciRozzi reads the Legal Notice into record. Chairwoman Joyce asks for the Applicant to introduce themselves, the team and the project.

Attorney Kenneth Ingber, who represents the Applicant, provides an overview of the organization and the sole beneficiary, Richard J. Valentine. With Attorney Ingber is Drew Hoffman, a Principal of Harbor Outdoor, as well as Gregory Ziomek, who is the Consultant, General Contractor and Construction Supervisor. This is a conventional 14 X 40-foot digital billboard identical to the one that the Applicant submitted in 2017 and which the Planning Board granted a Special Permit for in 2018. It was appealed and the Land Court rejected it on the basis of the Zoning Board having granted the wrong relief. The Applicant has come back with the same project, only they are removing two of the former cart track buildings, as it cures the infirmities that were identified by the Land Court – there was too much building coverage and not enough open space. By removing these buildings, we have the same project, but no longer with those zoning problems. In the application packet there is an 18-page narrative along with responses to questions received first time around along with a Peer Review by Green International. The project you have before you is one that was approved by the Planning Board after going through the approval process of the Peer Review. This is a very conventional billboard project in many respects and similar to the one approved at 340 Wood Road. The main difference being that our project has a 40-foot pole vs. 70-foot pole at 340 Wood Road. Because of the difference in the topography, the billboards are actually within a couple of inches of each other relative to Route 128 (actually Route 93). Attorney Ingber is available to answer specific questions or go through any portion of the project requested.

Chairwoman Joyce asks for an overview by Director SantucciRozzi of the Staff Report and if there is a plan that shows where the billboard is located and where the buildings are being modified. Director SantucciRozzi clarifies that the plan being shown is the Hayes Engineering Plan. Attorney Ingber states the billboard will be in the lower left-hand corner of the screen, just away from the paved parking. Attorney Ingber highlights the entire site and shows where the two cart track buildings will be removed. This opens up a considerable amount of space for the entire lot.

Chairwoman Joyce states that is very helpful and asks for a quick staff update. Director SantucciRozzi explains she didn't work on the original proposal. She has worked with Attorney Ingber and Legal Department to determine what needed to be provided for a re-application. Hence, the Hayes Plan is a new plan since the re-application. The 40-foot billboard is identical in size to what was previously approved. There is a minor change in the model. The only change is how the light is more efficiently displayed through the billboard and provides a cost savings. This was circulated to various departments, with some comments that have been incorporated into the Draft Conditions. The Fire Department made comments related to bollards around the post. The concrete pad supporting the billboard will be asphalted on top. There are no issues with lot coverage. The electrical connection will be done via a pole on the street in conjunction with BELD. The Director would like to compliment Attorney Ingber in his application. It was very tight and included a lot of pertinent information, which was very helpful. This is a very straight-forward application and is fully compliant with the provisions related to billboards in the various sections throughout the bylaw. Draft conditions have been reviewed by both Assistant Town Solicitor Crystal Huff and Town Solicitor/Chief of Staff Nicole Taub. The Director has gone

through two series of draft conditions with Attorney Ingber. There are a few minor items that need to be clarified in the Conditions. On the issue of what will be going on top of the footing, they will be going with asphalt covering which is much more appropriate for this type of installation. There were a couple of comments from Attorney Ingber to clarify and provide cleanup. The Director highlighted in red the items modified in the most recent Draft Conditions.

Chairwoman Joyce confirms that there are no comments or questions from the public. She opens this up to Board comments and questions.

Member Mikami reminds that we spent a lot of time on this a few years ago. We went through many issues on safety and shadow, etc. What Member Mikami is hearing tonight is that essentially nothing has changed. Attorney Ingber states the biggest change is that we have gone from the Daktronix 6400 to Daktronix 6600, which makes it more light-efficient. Attorney Ingber doesn't believe he could distinguish them. Member Mikami confirms the financial plan will still be in place. Member Mikami states if the property was to be redeveloped, would the new buildings be smaller or could they occupy the same area. Attorney Ingber is not prepared to discuss what might go in there; by removing those buildings, we no longer enjoy Grandfather Status. Member Mikami confirms that the buildings would not be as close to the sign as they are today. Attorney Ingber is not sure what Mr. Valentine or the market has in mind. Anything that replaces it would have to comply with current zoning bylaw.

Member Downey clarifies that when he refers to 128 he means 93. Member Downey asks what the car track buildings are. Attorney Ingber states it is the old Blue Hills Tennis Club. There was a main building and two wings. The side buildings would be where the cars would race; the side buildings are being removed; the center building will remain. This vastly opens up the lot. Member Downey confirms there will be about 60,715 square feet removed.

Member Grove has no comments or questions.

Member Kroha asks about the comment related to growing grass over the concrete and asks where that would occur. Attorney Ingber shows the plan provided for the 2017 Application, and highlights the footprint distinguishing where asphalt will be located vs. grass area, explaining it is pretty insignificant. Member Kroha asks if the Fit Factory sign will be taken down and the other will be used. Attorney Ingber states the signs will be consolidated into one sign. Attorney Ingber does not know if there will be new footings. He feels the existing footings are substantial and probably do not need to be replaced.

Member Kent has no comments or questions.

Chairwoman Joyce opens discussion to the public.

Kimberly Bielan, is here on behalf of Moriarty, Troyer and Molloy and on behalf of PGG Outdoor, which does business as Logan Digital. Logan Digital applied for an electronic billboard for the property that neighbors the subject property. The neighboring property is 236-240 Wood Road (commonly referred to as the Lumber Liquidator's property). Logan Digital's Special Permit remains on appeal; it was denied by the Planning Board. That appeal remains before the Norfolk Superior Court. Attorney Bielan wanted to address one point, which is the proposed billboard presents the same issues that the Braintree Fire Department had in 2018 concerning the Hydrogen Station located on 236-240 Wood Road. Attorney Bielan highlights some comments that were made to Logan Digital's proposal, but she would submit that they are equally applicable here. The comments

are found in two letters from the Fire Department dated July 12, 2018 and September 14, 2018. The issue was that these billboards collapse under heavy winds and once collapsed could create a projectile and possibly strike the hydrogen station. A potential strike at the hydrogen station could have dire consequences and severely tax the resources of the Fire Department. The billboard that is currently proposed at 290 Wood Road is located in the area adjacent to 236-240 Wood Road. Attorney Bielan would submit that the concerns previously expressed by the Fire Department relative to potential collapse of the billboard, the billboard turning into a potential projectile and striking the existing hydrogen station with dire consequences would be elevated in light of the fact that this billboard that is proposed could slide down that substantial elevation and onto the hydrogen station. The Board had previously stated the Fire Department's position weighs heavily. Attorney Bielan would encourage the Board to take that into consideration for this application, and she submits that this would be a basis for denial of this Special Permit. Chairwoman Joyce asks if we had input from the Fire Department with regards to this application, and did it discuss anything related to the adjacent hydrogen station. The Director states, for the record, we did receive comments from the Fire Department's Deputy Chief Steven Sawtelle, dated July 7, 2021, which she reads into the record. "The Braintree Fire Department has reviewed the Application and has also toured the proposed site. This department does not oppose the Application. However, if approved, the Fire Department shall require safety bollards be installed as a safety barrier at the base of the billboard column. The Braintree Fire Department does not oppose the application at this time. Signed by Deputy Chief Steven Sawtelle, Braintree Fire Department."

Chairwoman Joyce asks the applicant if they had any independent potential impact study done. Attorney Ingber states no specific study other than the Fire Department's awareness and their assessment of the risk. Attorney Ingber states the proximity is quite different, and their project does not pose that kind of risk, which is why the Fire Department does not oppose it.

Chairwoman Joyce noted in the Draft Decision that the buildings would be removed and replaced with a green pervious material. What would that be? Attorney Ingber states they have not discussed what that will be, but it will be something suitable. They don't want to invest in extensive landscaping because they currently don't know how it will be redeveloped. However, once it is determined, they will be in compliance with the 25% open space requirement. Chairwoman Joyce thinks removing the buildings is a significant reduction in lot coverage and an environmental benefit. Chairwoman Joyce asks if we can add an acknowledgement of the review of the hydrogen station to the conditions. The Director clarifies whether she means something from a structural engineer or something from the Fire Department that they are not concerned or would this be in the form of a letter. Attorney Ingber would like to know what Chairwoman Joyce is looking for. Their structural engineer has certified that it will be compliant with the billboard requirements. Attorney Ingber feels the Fire Department has made their own independent assessment. In the rare event of a fall, there would be distance. He is not sure a structural engineer can speak to this easily. Chairwoman Joyce provides an explanation of what she is looking for. Attorney Ingber states what might make sense is a condition to have a post-vote follow-up meeting with the Planning Director, the Fire Department and the Town Engineer.

Member Kroha mentions that the fall zone was discussed in the 2017 application. There was some aspect of the discussion of a fall. That request had been withdrawn by the Planning Board with the clarification that there had only been one failure with 10,000 digital billboards. Chairwoman Joyce asks if the fall zone is shown on any site plans. Attorney Ingber highlights the fall zone. Member Mikami understands what the Chairwoman is trying to get at. He reminds that it was a huge concern on the Lumber Liquidator's site because it was so much closer. Member Mikami understands that anything could happen. He likes the idea of going back to the Fire Department to ask them. Chairwoman Joyce asks for an overview of this billboard with respect to where the Lumber Liquidator's site is.



The Director has staff measure this using GIS. Attorney Ingber uses Google Map to show location; staff clarifies that it is about 270 feet, as a crow flies. Chairwoman Joyce clarifies that the billboard is 40 feet tall. Director SantucciRozzi confirms that we have a letter from the Fire Department; if there was an issue, the Deputy Chief would have reached out prior to making his comments. If he says in the letter he has no objections and he has visited the site, The Deputy Chief is not shy about stating his concerns when it comes to fire safety. The comments are in the record and will be included in any Decision, as an attachment. If we need any clarification, we can do that. If there needs to be something done post construction with the Deputy Chief re-visiting the site, we can do that and this can be included in the Conditions.

Chairwoman Joyce thinks the additional information just provided by staff and the Applicant, showing the location of the hydrogen station, was helpful. Director SantucciRozzi notes that there is substantial vegetation in between these two properties that is extensive and mature. Chairwoman Joyce confirms there are no questions or comments from the public.

Member Downey asks about the extra provision the Fire Department has proposed. Director SantucciRozzi states they are looking for bollards for physical protection around the base of the pole, so that a vehicle could never hit the actual base. Bollards are a form of protection that can withstand the weight and speed of a vehicle.

Member Mikami suggests a condition that says we reserve the right to reassess additional safety measures based on the recommendations of Fire Department and Engineering Department. Attorney Ingber states his concern is that there would be a requirement that places a burden after the project is built. Attorney Ingber would prefer contacting the Fire Chief. Director SantucciRozzi reminds that we have comments from the DPW at all disciplines. Their comment is that the Applicant needs to get a Stormwater Permit. They did not have any extensive comments, and this was vetted by all of the departments. Director SantucciRozzi states we have the comments in the record, the application was vetted by these departments, and we have not received any concerns. We can confirm that via a conference call. Chairwoman Joyce states it sounds like the Town is on the record for not having this concern. The Applicant is on the record for having a fall protection zone. At this point, Chairwoman Joyce is not suggesting that we need to add anything to the conditions; it was discussed adequately for her. Director SantucciRozzi draws the Board's attention to Condition 31, which discussed the need for the Engineer of Record to provide a final Construction Control Affidavit to certify that the billboard was built in accordance with the Record Plans.

Member Grove asks what the distance is between this billboard and the appealed billboard at the Lumber Liquidator site. She gives the offsets provided to existing billboards. There is no offset to the proposed Logan Billboard, as it doesn't exist. Attorney Ingber clarifies that it is within 300 feet. Member Grove asks if there is a provision that states two billboards cannot be within 1000 feet from each other. The Director clarifies that our bylaw contains this provision, but there is not a billboard existing. Member Grove asks Solicitor Taub if there is anything we should do to protect ourselves and/or the Applicant if this appealed sign is approved. Town Solicitor Taub mentions, as Director SantucciRozzi indicated, where there is no structure on the adjacent property. Town Solicitor Taub sees it as a race to the finish. Only one billboard will stand given the proximity of the proposed locations. There is nothing from a distance perspective that prevents the approval of this billboard by the Planning Board because there is no other billboard within the distance set forth in the bylaw. Attorney Taub clarifies that there is no injunction that would prevent another applicant from moving forward with the application for a billboard.

Member Mikami **MOTION** to close the public hearing; seconded by Member Downey; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Chair Joyce: YES).

Member Mikami **MOTION** to enter correspondence into record through July 13, 2021, including the revised conditions and follow-up email from Attorney Ingber; seconded by Member Downey; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Chair Joyce: YES).

Chairwoman Joyce confirms that Attorney Ingber agrees with draft conditions revised on July 13, 2021 pursuant to the memorandum emailed from Attorney Ingber also dated July 13, 2021.

Member Mikami **MOTION** for approval of the Special Permit Billboard for file #21-11, 290 Wood Road subject to conditions including those of July 13, 2021; seconded by Member Grove; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Chair Joyce: YES).

### **PUBLIC HEARING**

#### **300 Quincy Avenue – PB File 21-10 - Special Permit and Site Plan Review**

**Applicant: Steven Mei**

**7:43 PM – Five Planning Board Members and one Alternate Member are participating.**

#### **Appearing for the Applicant:**

**Steven Mei, Applicant**

**Paul Mirabito,**

Director SantucciRozzi reads the Legal Notice into record. Chairwoman Joyce asks for the Applicant to introduce himself and the project.

Steven Mei, the property owner and Applicant, purchased this property on November 25, 2021, as a two-family. It is taxed and assessed as a two-family. Trash fees are also for a two-family. He intends to rehab this as a two-family. Paul Mirabito has provided assistance with the Site Plan.

Paul Mirabito, explains that the structure has been used as a two-family. There are two separate gas meters and two separate water bills. When it was purchased, there was no one living in the home. The Applicant applied for a Building Permit with Mr. Forsberg, which triggered the requirement for a Special Permit to make this a legal two-family home. Mr. Mirabito explains that they have met with Planning Staff, who provided requirements for what needs to be on plan. The Applicant provided that plan along with an architectural plan to show that he had appropriate access to the building. Paul Mirabito explains that he has received review comments from Town Departments that have no objection to the Special Permit. The review comments seem to indicate that the Planning Department is looking for additional information on the plan, which he is happy to provide. Mr. Mirabito thinks of all the comments, the most important one is from the Building Department who was adamant that the Applicant provide proper plans showing the layout of the interior to ensure that it meets the building code. Mr. Mirabito's goal would be to have the Board consider closing the hearing and approving the Permit, subject to the Applicant revising the plan and issuing that at the next meeting.

Chairwoman Joyce reminds that we are monitoring comments from the public.

Chairwoman Joyce asks for a quick staff update. Director SantucciRozzi explains that Planning Staff has been working with the owner for quite some time. The Site Plan has been provided to the Board, but we have no

floor plan and no elevations. The footprint on the upper floors is not as big as the lower floors, which is not accurately represented. The Director has concerns with the rear of the dwelling. The applicant is looking to add two parking spaces. The plans do not show the limits of pavement; the Director has been very clear that the trees need to stay. The property to the rear is Residence C. If you are a General Business and you are next to Residence C, you have a ten-foot buffer. If you are in that ten-foot buffer, you need a Special Permit. The Staff is not at a point to recommend paving over the backyard to create parking. There needs to be a more diligent effort to determine what is pavement and what is grass. An entrance is being shown on the southside, but it is not clear whether it is to the first floor or second floor. It is helpful to have a Floor Plan that coordinates with the Site Plan so that we can see what is going on. The Applicant checked with everyone but the Building Inspector, who is the keeping of zoning records. The structure has been vacant since 2014. If it is not used as a two-family, this property does not have the Special Permit that is required. That non-conformity would have lapsed a long time ago. From the Building Department's perspective, this is not a legal two-family. There is opportunity to be a little more diligent. We want to make sure cars can get into the property safely and adequately. She discusses the need for clarification on the Applicant's intent around parking. The Director has talked to the Applicant about the fact that this structure and the one next door is paved building to building. We need to see how the movement of parking and cars are reflected on the plan. A larger question for the Board is whether they are supportive to work with the Applicant given the size of the property. It is significantly non-conforming. If the Board is supportive, staff will work with this Applicant.

Member Mikami is going to withhold comments until we receive more details. He would say that if a workable plan, with all the details, cannot be adequately worked out with Planning Staff, the Applicant will be forced to revert back to a single-family.

Member Downey would like to see proof of concept and a workable plan before they make a firm decision.

Member Grove has no comments or questions at this time.

Member Kroha noted that the property was surrounded by multi-families, so from a conceptual standpoint, it makes sense. However, the findings require further information before she would support this.

Chairwoman Joyce would echo a lot of the sentiment mentioned by Board Members. As a town, housing is important. If we can work through the details, we could have this type of housing at this location, but it needs to meet our requirements. Chairwoman Joyce thinks it would be helpful to add square footages and proposed grading to the work being shown on the proposed site plan and how stormwater will be addressed. It sounds like we can continue to work with staff, and bring this back with the information needed to move forward. There are no public questions or comments.

Director SantucciRozzi states our next meeting is August 10<sup>th</sup> and we would need all revised materials by Monday, July 26.

Member Kent drove by the property, and it is in disrepair. If we could find a way to make this work, it would be good.

Chairwoman Joyce asks if the applicant would prefer a continuance to the August or September meeting.

Mr. Mirabito states he can meet the July 26 deadline.

Director Santucci explains that Cahill Auditorium will be painted in August. Therefore, we will need to continue with Zoom for our August meeting. There is a discussion related to start time. Chairwoman Joyce states for the August Meeting we should continue to 6:15 for hearings.

Member Kroha **MOTION** to continue this hearing to August 10, 2021 at 6:15 PM; seconded by Member Grove; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Chair Joyce: YES). Director SantucciRozzi suggests meeting with the Applicant prior to the submission deadline.

Chairwoman Joyce would like to take a five-minute break and reconvene at 8:10 PM.

**CONTINUED PUBLIC HEARING**

**349 Liberty Street – PB File 21-06 - Grading Permit**

**Applicant: Ali Akshia**

**8:11 PM – Four Planning Board Members and one Alternate Member are participating.**

**Appearing for the Applicant:**

**Ali Akshia, Applicant**

**Jed Hannon, Atlantic Coast Engineering**

Chairwoman Joyce asks for an update from Staff on this Application and then suggests that the Applicant provide any additional information needed.

Director SantucciRozzi apologizes for issuing the Draft Conditions so late; she advises that Jed Hannon had provided us with a very appropriate Planting Plan on June 24<sup>th</sup> along with some revised plans. Those were distributed to the Board. There are no issues or questions; the plantings are wonderful and appropriate. The Site Plan has the grading, as requested. He has shown the five-foot concrete apron around the pool and the additional offsets requested; he highlighted the drain lines and tightened everything up very nicely. The staff is satisfied with the revised plans as well as the Planting Plan. It will do a nice job re-establishing the ground cover outside. The slope that was created with elevation 86 down to 82 will be planted. The plan was prepared by ECR LLC; Brad Holmes is here and is probably the one that prepared the plan. The Board is very familiar with his work. The Director prepared the Draft Conditions for the Board's review, and she apologizes on the lateness. She has a few items to fill in, but it essentially covers everything. Most of the work has been done and most of the material has been put in. It is just finishing up the project and getting the plantings in. The staff has allotted to December to get the plantings in. She advises don't do this again without a Grading Permit.

Chairwoman Joyce asks if the Applicant has anything to add. She is happy to see the revised plans and that the Applicant was willing to work with the department.

Jed Hannon thanks the Director for the comments and feedback. He advises that they made all of the updates that the Board requested. He advises that Brad Holmes put the proposed revegetation plan together, and he asks Brad Holmes to comment on the Planting Plan. Mr. Holmes states they are proposing native plantings that should exist well in this environment and uses a low-maintenance seed mix.

Member Mikami is happy that we have a resolution to a very bad initial decision. It looks good.

Member Downey states it is a good resolution to a bad start. Member Downey likes the plantings, and he is happy to see that the Applicant did the right thing.

No comments or questions from Member Grove.

No comments or questions from Member Kent.

Chairwoman Joyce has no comments or questions.

Chairwoman Joyce confirms that there are no comments or questions from the public.

Member Kent **MOTION** to close the public hearing; seconded by Member Downey; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

Member Mikami **MOTION** to enter correspondence into record through July 13, 2021; seconded by Member Downey; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

Chairwoman Joyce confirms that the Applicant has reviewed Draft Conditions. Director SantucciRozzi points out that she needs to update the conditions with some figures that are highlighted in bold. Conditions 27 and 32 will be updated.

Member Downey **MOTION** to approve the Grading Permit for file #21-06, 349 Liberty Street, subject to conditions; seconded by Member Kent; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

#### **CONTINUED PUBLIC HEARING**

**232 Peach Street, South Middle School, Grading Permit PB File #21-05**

**Applicant: Town of Braintree**

**8:20 PM – Four Planning Board Members and one Alternate Member are participating, as Member Kroha cannot participate.**

#### **Appearing for the Applicant:**

**Will Spears**

**Nereyda Rodriguez, Architect**

**Brian Pace**

**Mike Carroll, Hill International**

**Mary Mahoney, Hill International**

**Kris Bradner, Traverse**

**Michelle Kayserman, Samiotes**

**Stephen Garvin, Samiotes**

**Eric Dias, Strong Point Engineering-Peer Review**

Chairwoman Joyce believes we will have a brief update by staff the and the Applicant; then an update can be provided by the drainage peer review.

Director SantucciRozzi advises that Eric Diaz is here from Strong Point Engineering. He is our Peer Consultant on this application. Some comments were issued, and then we had a follow-up meeting with the Applicant and talked through some of the comments. Samiotes went back out to the site and did some additional test pits and some redesign of the site. Some of the comments have been addressed. We suggested that the Applicant continue this evening, and we can regroup again, as she found the previous meeting helpful. Samiotes decided to attend this evening. There are still a few things that are outstanding aside from the Peer issues. The Director advises that at the meeting they discussed at length improving the pedestrian access path at the end of Celia Road. It has been determined in consultation with the District Councilor, as well as some neighbors, that the neighborhood would like to see that remain "as is". The issue that might be worth discussion this evening is the Construction Entrance. It is an issue that the Director has raised from the beginning of the project. It is located directly adjacent to the first house on Peach Street. Substantial vegetation will need to be removed in order to install this Construction Entrance. It is also located directly adjacent to the cross-walk on Peach Street. There has been some discussion about alternate locations. Respectfully, the responses from the Applicant's engineer have been helpful but really haven't solved the problem. The Director has stated that we might need to come up with some interim solutions in thinking about where parking is going to happen for staff during construction. The Director would like to hear the Board Members' positions in regards to the Construction Entrance; she has made her position clear. She also thinks it would be helpful to get a quick update on the revisions to the plans and the comments from our Peer Review Engineer, Mr. Dias, so the Board is up to date on where we are.

Chairwoman Joyce asks if the Applicant has any "big picture" updates, and she does think it would be prudent to discuss Celia Road and the Construction Entrance. Getting feedback on Board Members on those two items would be very helpful. We have talked with the District Councilor, so they are working with the neighborhood and that is really great. It is good to have that perspective, especially on a project of this magnitude. We are really excited to have South Middle School get underway and what that means for our community, but we do have to do our "due diligence" as a Board and go over what might be impactful to the residents. Chairwoman Joyce wants to give the Applicant a chance to introduce who is here from their team and to provide any updates on their end.

Michelle Kayserman, from Samiotes, introduces the team and explains she has a Power Point presentation. This presentation shows a variety of orientations of the proposed Site Plan. Due to comments received, additional vegetation has been added. The entrances to the school are on the left-hand side. There are additional plantings throughout the site to create a buffer to the closest neighbors. Ms. Kayserman highlights the Site Circulation Plan with General Access shown in purple off of Peach Street. School buses will continue to access the site off of Kenmore. Yellow arrows are parent drop-off. The orange area is the service area. The black arrows are the emergency access. There is a gate, so it will not be available as a "cut-through". Michelle Kayserman provides a variety of renderings of the proposed building from various elevations, materials and plantings. Ms. Kayserman highlights the limit of tree removal for clearing shown in yellow. The Construction Entrance for Phase 1 is shown by the Green Arrow. During this time, buses will come in through Peach Street and come out (see red arrow). It is proposed that the existing trees and brush in the area of the Construction Entrance be removed. The chain-link fence that is a little bit over ten feet from the school will be removed. A construction fence with privacy screening will be installed. Because there is a newly installed crosswalk and cross-light, the Applicant is proposing shifting that in order to make room for construction trucks to turn into the site. A new raised walkway would be constructed parallel to where the previous walkway was. There would be

bituminous berm and jersey barriers to protect students. They have removed parallel parking spaces to make room for buses. The current crosswalk light would be moved to the corner, and the area would be restriped. In the final conditions, the sidewalk would be fixed and the light would be moved to its original location. Ms. Kayserman highlights a quick diagram related to turning radius of fire trucks. Michelle Kayserman highlights what would occur during Phase 2 of the construction, once students have moved into the new building. Under the Project Schedule shows construction expected to start in October 2021 through May 2023; by September 2023 the new school would be in use. Phase 2 would be June 2023 through October 2023. A Site Plan shows proposed snow storage. Snow would not be allowed to be stored in any stormwater BNP areas.

Michelle Kayserman highlights the revised Site Utilities and Stormwater Plan. As part of the first round of Peer Review comments, the Applicant did modify infiltration system one. It is now a shallower profile system, and a portion of it now overflows into system two. System two, as previously designed, overflows into the bio-retention basin, and as previously proposed, the bio-retention basin would overflow into the woods. Calculations have been submitted showing that the peak rates and volume have been reduced at all points of analysis. Sewer and Water is still being proposed to connect in Kenmore. The electrical conduits, shown in red, would also come off of Kenmore with the gas line connecting into Peach Street, and the water line would loop into the existing water line that is off of Celia Road. The Proposed Grading Plan, which shows the path for Celia Road in the red box, shows the existing path is to remain. The main portion of that access walkway will stay untouched, and there is a sidewalk so that the students can get through.

Michelle Kayserman highlights the Heat Map for the Cut/Fill rendering; the site is predominantly a Cut Site. Any material being cut is not going to be re-used; all new material is being brought onto the site.

Chairwoman Joyce confirms that this concludes the updated presentation, and she will ask the Peer Review to make his presentation.

Eric Dias, Professional Engineer with Strong Point Engineering Solutions, explains he had issued an initial review letter in late May. He had one round of an informal meeting with Department Heads and the Design Engineer in early June. The Applicant had addressed many concerns by that meeting, so they were on a good track. The Peer Review's initial comments were related to compliance in design with the state and local regulations. Since the Applicant has addressed those, most of his comments have been answered satisfactorily. What remains now is largely a few clarification items, things that won't really impact the design but will provide a little more detail. Mr. Dias would say they are on a good track with a few things to address. Chairwoman Joyce appreciates the overview and states it sounds like we are working forward.

Chairwoman Joyce would like to get some feedback on the construction entrance location. At the last meeting, it seemed like the Applicant had exhausted conversations about the construction entrance, and it seemed like this was the only feasible location. Chairwoman Joyce has been out to the site, walked that entrance and is very concerned with that location. She thinks we are jamming a lot into an area that is going to be highly used during construction but also still used for the existing building's function, especially with pedestrian access. She would like the applicant to provide an update on any other options. The Councilor was adamant that we should not pursue Kenmore. Chairwoman Joyce wondered if we could configure the Construction Entrance in the Teacher Parking area, while still maintaining teacher parking.

Mary Mahoney, Hill International, will respond to different options for site accessibility. They are a bit constrained with regard to available parking areas and access to the site primarily at Peach Street. They have tried to minimize impact on side residential roads. They have tried to establish a delineation between the site

use for construction and access for construction vs. use and access by the school community. They feel it should be clear to the students as well as the contractors on where they should be. They did look at the parking lot on the southern side of the site where staff is currently parking. That location is also used for student drop-off and pickup. They felt that any construction access there would take away from the dynamic they are trying to create with a clear separation and delineation between the spaces. Ultimately, they feel the location they have selected is the best approach to maintain safety onsite for students, the school staff and the community while also being able to realistically control construction traffic. They will be receiving deliveries throughout the day; they are hoping with hours of operation they will control access of the workers in and out to avoid the arrival and departure time for the students. Each measure they take with regard to controlling the access to the site is going to help to ensure the safety for the students onsite. Chairwoman Joyce thanks Ms. Mahoney and opens discussion to Planning Board Members.

Member Mikami states, since our Peer Consultant is here, he wants to emphasize the importance of drainage. This project may be less challenging, but drainage is critical. We have had other projects going on in town, probably more challenging from a drainage standpoint, that we have had issues with. Drainage is critical. In terms of the construction road, Member Mikami doesn't have any good insight as to what will work best.

Member Downey confirms that construction will begin in October 2021. He wonders will timeline for bid schedule work be a feasible timeline to start construction on time. Mary Mahoney explains that they are establishing a list of qualified contractors able to bid on this contract. Then they will be issuing bid documents in August 2021. A six-week bid cycle for a project of this size is more than sufficient. Member Downey asks about timing for access to the site by contractors. Mary Mahoney states it is part of the General Conditions, and she highlights their schedule for access to the site and how her staff will ensure that students can get on and off site safely. Member Downey asks about mitigation for dust control, which Mary Mahoney confirms how this will be addressed. Ms. Mahoney states if they feel they are going to start to impact the neighborhood, they will get a water truck onsite.

Member Grove has no comments or questions.

Member Kent has a couple of options to consider. He asks if it would be possible to have bus transportation for kids that would normally be walking and crossing near the construction entrance. The second question is related to the home that sticks into the zone area of the construction entrance. Has any consideration been given to buying the house? Chairwoman Joyce thinks these are good suggestions and there is some time to evaluate these suggestions. Mary Mahoney has not done this on other projects because they have tried to utilize certain safety measures. There have been many meetings with School Staff and Education Department Staff to address these issues in a "non-cookie-cutter" way. Director SantucciRozzi wonders if there has been any discussion of relocating the crosswalk temporarily; she is having a difficult understanding how the pedestrian entrance is right next to the construction entrance. The Director feels we need to continue thinking about this and how we can separate this a little further. Director SantucciRozzi states there needs to be something clearer about trucks coming to the site and needing to be turned away. The Director explains that Peach Street is a much different location than River Street, and it is very highly used. She discusses that, if the construction entrance is hard and fast, maybe we can move the pedestrian entrance, or maybe there needs to be a temporary parking area for the teachers and using the other side for pedestrian access as well. Director SantucciRozzi thinks things are much better, and she looks forward to resolving these few outstanding issues so that we can move this forward in August.



Mary Mahoney explains that they are taking this very seriously. They are going to be very hard and fast about the requirements on arrival and any restrictions. They understand all the things they need to consider with regards to access, control and safety. They are trying to think ahead to the various situations that could happen. Chairwoman Joyce asks if there is a crossing guard at that location. As far as Ms. Mahoney knows, the crossing guard is positioned at the intersection of Peach and Liberty.

Nereyda Rodriguez states they looked at moving the crosswalk further down near the middle of the circular driveway for the school, but there is no sidewalk on the other side of the street on Peach Street. Michelle Kayserman explains that at the intersection of Cardinal and Peach Street there is no sidewalk, which impedes accessible access. Member Kent asks who would be using the crosswalk other than residents of Cardinal Court? Member Kent explains that we could get a handle on how many students that is or have another crossing guard at that location for a short period of time. Chairwoman Joyce thinks we need to continue looking at this issue. As a community, we should look at what we can do to improve the sidewalks. The Chairwoman understands that the MSBA only provides certain funding, but as a town we can look at what we can possibly do through our own resources to make safe the sidewalks, perhaps in an offline but parallel discussion with DPW.

Chairwoman Joyce does not see any comments or questions from the public. She states it sounds like we are getting close, and maybe we could be looking at Draft Conditions for the next meeting. Chairwoman Joyce confirms that the next meeting date is August 10, 2021. Director SantucciRozzi explains that the deadline for submission to get revised materials to our Peer Review, would need to be prior to Monday, July 26. Director SantucciRozzi asks if Michelle Kayserman can get a plan to Eric Dias next week. Michelle Kayserman states that is completely doable. The Director suggests we do this as a meeting to flush out any issues. Director SantucciRozzi states we will be looking to continue to the August 10 at 6:15 PM.

Member Downey **MOTION** to continue this hearing to August 10, 2021 at 6:15 PM; seconded by Member Mikami; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

**CONTINUED PUBLIC HEARING**

**201 Commerce Drive and 600 Grove Street – Major Modification to PB Decision #18-16**

**Special Permit(s) and Site Plan Review**

**Applicant: Marr Scaffolding Company**

**9:07 PM – Four Planning Board Members and one Alternate Member are participating, as Member Kroha cannot participate.**

**Appearing for the Applicant:**

**Deb Keller, Merrill Engineering – Peer Review**

**Dan Marr, Marr Companies**

**David Hughes, Marr Companies**

**Frank Marinelli, Attorney**

**Karlisk Skulte, Civil Engineer**

**Jason Adams, McMahon Associates**

Chairwoman Joyce asks for the Department to provide an update on what has transpired between our last meeting and this meeting, and then the Applicant can let us know who is here on their behalf and give us an update, as well.

Director SantucciRozzi explains, for the record, our Peer Consultant, Deb Keller from Merrill Engineering, is here this evening and has been instrumental in working with Karlis Skulte, the Applicant's Civil Engineer, and ironing out these details related to a very robust drainage system that is going to be expanded as part of this development. The Director has provided Draft Conditions and a Draft Decision that she has circulated to both the Planning Board and the Applicant. The Director notes a typo on page 4 related to the comments of splitting up the house from the commercial property. It was something suggested to the Applicant, but it is not required. The Applicant has informed the Director that they will not be taking that consideration under advisement. We had Phase 1 a couple of years ago; Marr has built that out and is using the site. Now it is time to move forward into Phase 2, which includes a second building of about 40,000 Square Feet in area. The parking is compliant. The Conservation Commission issued an Order of Conditions. The Director wants to thank Deb Keller for being great to work with and very efficient in providing her comments and feedback. This is ready to be voted on this evening if the Board is so inclined. Director SantucciRozzi wants to thank Marr Companies for being great to work with.

Frank Marinelli, Attorney for the Applicant, introduces the team. The Applicant wants to thank Director SantucciRozzi for all of the work that the Planning Department has done, as well as Deb Keller the Peer Reviewer.

Attorney Marinelli provides a highlight of the site; he explains that the Applicant developed Building Number 1, and it was always anticipated that they would do Building Number 2. The site is over 16 acres and it complies very easily on a 16-acre site to do a second building. The use is a Contractor's Yard, permitted by right. The Zone is Commercial. There is no overlay zone. Basically, the Planning Board sits as a Site Plan Review. There is no "Use Special Permit" involved here.

Attorney Marinelli has reviewed the Conditions and find them reasonable and the Applicant respectfully requests approval tonight. Attorney Marinelli states the Director has covered everything covered by the Peer Review recommendation to the Applicant's Engineer. Attorney Marinelli mentions, as contained in Director SantucciRozzi's report, the site is pristine. Members of the Conservation Commission came out to the site and were impressed by the neatness and cleanliness. Attorney Marinelli states the conditions are acceptable with the one change on page 4 mentioned by the Director.

Chairwoman Joyce asks the Peer Reviewer, Ms. Keller, for an update on the overall process. Deb Keller, Merrill Engineers and Land Surveyors, states they went through an initial review. Karlis Skulte had provided a response that addressed many of the major concerns they had initially. To update the project to the current regulations, there were some tweaks between the Phase 1 development and the Phase 2 with regards to the stormwater regulations the Town now has. A more robust stormwater system was required to meet requirements. The current plan set that she reviewed is dated June 29. The only thing she wanted to highlight is that the Applicant provide the Town with a copy of their SWWPP document prior to construction to make sure everything is adequate from an erosion control standpoint. There is a current Operation and Maintenance Plan for Phase 1; the O&M Plan provided seems to be a merge of the two phases. She wants to make sure they are working off the most current Operations and Maintenance Plan as they move forward with the site's maintenance; she is pleased with the final Plan Set.

Member Mikami is happy that we seem to have good results.

Member Downey echoes what Member Mikami was saying; he has never heard the Director ask for photos of the site. Member Downey thanks the Applicant for being a good corporate citizen.

There are no comments or questions from Members Grove and Kent; Chairwoman Joyce has no further comments or questions.

Chairwoman Joyce confirms that Attorney Marinelli has found the draft conditions acceptable. The Director will ensure that she has included the Operation and Maintenance Plan.

Member Mikami **MOTION** to close the public hearing; seconded by Member Grove; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

Member Mikami **MOTION** to enter correspondence into record through July 10, 2021; seconded by Member Grove; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

Member Mikami **MOTION** to approve the Major Modification to PB File #18-16 for 201 Commerce Drive and 600 Grove Street, including conditions and the addition of the Operations and Maintenance Plan; seconded by Member Grove; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

Dan Marr wants to thank the Planning Board and Director SantucciRozzi; they are excited about what they accomplished in Phase 1, but they intend to raise the bar with Phase 2.

**CONTINUED PUBLIC HEARING**

**345 Grove Street – PB File #21-01**

**Special Permit(s) and Site Plan Review**

**Applicant: Liden Corporation**

**9:22 PM – Five Planning Board Members and one Alternate Member are participating.**

**Appearing for the Applicant:**

**Brad McKenzie, Project Engineer - McKenzie Engineering**

**Eric Schoumaker, McKenzie Engineering**

**Noreen O'Toole, Platinum Partners LLC**

**Barry Crimmins, Platinum Partners LLC**

**Olga Lidenko, Applicant**

**Ron Muller, Traffic Engineer - Ron Muller & Associates**

**Jeff K., Noise-Control**

Chairwoman Joyce asks Director SantucciRozzi to provide an update, to be followed by an update from the Applicant's team.

Director SantucciRozzi has put together a brief staff report. Since the last meeting she has received a follow-up memorandum from the Applicant on behalf of Laser Car Wash going over a few of the last remaining items. The Staff Report is not looking favorably on the project. We have been vetting this project since January 2021 when the Application was first filed, and based on the Director's experience, listening closely to the Board after the multiple hearings we have had, she hasn't heard the things she typically hears from Planning Board Members when they are in support of a project and we are starting to move towards approval, agreement and resolution of all of the issues that have been raised during the hearing.

We did have our last meeting in May, and she did not get a feeling that the Board Members were in support of the project. The Director wants to acknowledge that the Applicant has done a very good job in trying to address the concerns that have been raised; however, there are things that the Applicant cannot do in regards to some of the issues raised. The Director feels that the usable portion of this property is just too small to support a productive, vibrant and accommodating car wash at this location. We were continuing to modify and remove components of the business that we find customary and accessory to this type of business. She has prepared Findings, and the Board needs to make favorable Findings in order to support and issue a Special Permit. When she started looking at those Findings, it became clear that there was conflict, and it would be difficult to draft language in the affirmative in support of the Special Permit Findings.

Director SantucciRozzi would like to note for the record and is not providing any legal advice, as the Applicant's council is not present, that there are three options: (1) the Planning Board can act on the Findings that the Director has prepared for this evening; (2) the Planning Board can disagree with the Staff Report and direct staff to do something other than what she has prepared this evening; Or (3) the Applicant can withdraw this application without prejudice.

Chairwoman Joyce asks if staff has shared the Findings and recommendation material with the Applicant prior to this meeting. The Director confirms, "yes" she has; they were shared earlier today.

Olga Lidenko, Applicant, introduces herself and states she does not have any new material; she believes that she has provided extensive evidence in support of this project. She feels that the experts that presented have supported the success of the project; therefore, she would have to disagree with the conclusions of the Planning Department. She believes that the business model would be an excellent addition to the Braintree community. She does have some expertise in this business. However, she is leaving it up to the Planning Board to make a final decision and final determination of whether or not you consider this project to be of value to the Braintree Community. She thinks so, as do all of the consultants that were hired.

Chairwoman Joyce reminds the public that they can ask questions or comment on this application.

Ms. Lidenko knows that there were a number of concerns regarding the queuing; she brings up McDonald's on Pearl Street. The queuing issue is a concern at other businesses that successfully operate in Braintree.

Member Mikami states that they would never permit McDonald's under today's rules. Something like that would not happen.

Member Downey states that the McDonald's site is always on our mind. Member Downey wants to thank the applicant; your presentations were professional, you were respectful even when members of the public were not. Member Downey wants to commend Ms. Lidenko on her emotional intelligence and dignity.

Member Grove sees too many deficiencies, and he cannot support this.

Member Kent states Ms. Lidenko is extremely professional, and he wishes her well.

Chairwoman Joyce agrees with staff and members. The presentations, commentary and professionalism of the Applicant has always been top-notch; however, she cannot support this application.

Member Kent **MOTION** to close the public hearing; seconded by Member Mikami; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

Member Downey **MOTION** to enter correspondence into record through July 12, 2021; seconded by Member Mikami; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

Chairwoman Joyce confirms that the Applicant wants the Planning Board to vote on this Application. Ms. Lidenko states “yes”.

Member Mikami **MOTION** for denial of this application under PB File #21-01, Special Permit(s) and Site Plan Review for 345 Grove Street; seconded by Member Grove; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kent: YES; Chair Joyce: YES). **Alternate Member Kent is voting on this hearing, as Member Kroha cannot participate.**

**NEW BUSINESS – Approval Not Required (ANR) Subdivision Plan**  
**2044 Washington Street – Avellino, Applicant**

**9:40 PM – Five Planning Board Members are participating**

**Appearing for the Applicant:**

**Carl Johnson, Attorney**

**Cathy Avelino, Applicant**

**Steve Horsfall, Professional Land Surveyor, Kelly Engineering Group**

Attorney Carl Johnson introduces the participants for the Applicant and states they have read the comments contained in the Staff Report. Attorney Johnson explains this action is ministerial in nature, as it meets the frontage and dimensional requirements imposed on this land in the Highlands of minimum one-acre lots. Mr. Horsfall has done a good job of laying this out correctly. With the changes that have been made, the note has been amended. The Applicant believes the Planning Board should endorse the plan as suggested by Staff.

Connor Murphy states staff has no objections at this time.

Member Mikami asks if these lots are going to be used for residences; Attorney Johnson states yes – underlying zoning is Residence B. It meets the more than one-acre requirement; we also have an easement, which is 40 feet wide, that will provide utilities and access to both properties.

Members Downey, Grove, Kroha and Kent have no comments or questions.

Member Kroha **MOTION** to endorse the ANR; seconded by Member Grove; 5:0:0 (5 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Chair Joyce: YES).

**NEW BUSINESS: Request for As-Built Approval – 16 West Street - Hank Duong, Applicant**  
**9:43 PM – Five Planning Board Members and one Alternate Member are participating.**

Zoning Planner, Connor Murphy advises that the Applicant is not present. The Applicant did receive the Staff Report, as well as the Conditions recommended to be survived. It is a favorable outcome, but if the Board would like to vote when the Applicant is present, we can address this at the August Meeting.

Chairwoman Joyce asks staff if they have had any discussions with the Applicant leading up to this evening's meeting; Mr. Murphy advises that the Applicant presented their As-Built Plan and he made three comments to the Applicant related to what was needed on the Plan. Mr. Murphy subsequently sent a staff report and called the Applicant twice today and he has not heard back. Member Downey doesn't think a vote should occur without the Applicant present. Mr. Murphy agrees.

**NEW BUSINESS: Discussion - In Person Meetings - 9:45 PM**

Chairwoman Joyce states it sounds like the return to in-person meetings won't happen until September at the earliest because of the renovation work that is occurring at Cahill Auditorium. Director SantucciRozzi advises that the governor's extension takes us to April 2022 so we are not violating any Open Meeting Laws. The Director confirms that all members will be in attendance for the August Meeting.

Member Downey **MOTION to adjourn** the meeting; seconded by Member Mikami; voted by roll 6:0:0 (6 Votes – Member Mikami: YES; Member Downey: YES; Member Grove: YES; Member Kroha: YES; Member Kent: YES; Chair Joyce: YES). The meeting adjourned at 9:46 PM.

Respectfully submitted,  
Louise Quinlan, Planning/Community Development