



Department of Planning and Community Development

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Joseph Castellano, Mayor
Joseph Castellano, Mayor

PLANNING BOARD

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

Braintree Planning Board – July 14, 2020 – Via ZOOM

Present:

Mr. Robert Harnais, Chair
Ms. Erin Joyce, Vice Chair
Mr. Darryl Mikami, Clerk
Mr. James Downey
Mr. Phillip Baker
Mr. William J. Grove, Associate Member
Christine Stickney, Director
Melissa SantucciRozzi, Assistant Director
Connor Murphy, Zoning Planner

Chair Harnais calls roll at 7:05 PM. Five (5) members and one (1) associate member are in attendance.

NEW BUSINESS/OLD BUSINESS

Approval Not Required Subdivision Plan – 22 and 26 Holden Road

Requested by: Kristen Meyer, Applicant

7: 08 PM – Five Planning Board Members and Associate Member William Grove are participating.

Appearing for the Applicant:

Kristen Meyer

Assistant Director SantucciRozzi explains that the Applicant, Kristen Meyer, will do an introduction, and then the Assistant Director is available for any comments.

Kristen Meyer shares her screen to show the plan, with her home at 26 Holden Road. Then she highlights her neighbor's property at 22 Holden Road. She has discussed with her neighbor the possibility of selling lot highlighted in the back of 22 Holden Road so that her neighbor would have a more usable backyard to enjoy her grandkids and have more space.

There are no questions from Planning Board Members.

Chair Harnais asks if this requires a vote. Assistant Director SantucciRozzi states yes, the Board would need to vote to endorse the ANR Plan. Chair Harnais sees no problem with endorsing this, as the Applicant is giving her neighbor a bigger back yard.

Member Baker **MOTION** to approve the ANR; seconded by Member Joyce; voted 6:0 by roll call (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Assistant Director SantucciRozzi advises the Applicant that she will follow-up with her later in the week on next steps.

NEW BUSINESS/OLD BUSINESS

July Zoning Board of Appeal Recommendations

7:10 PM – Five Planning Board Members and Associate Member William Grove are participating.

Zoning Planner, Connor Murphy, advises that there are four new petitions for July 2020, and he has provided materials related to each of the Zoning Board Petitions scheduled to appear before the Zoning Board of Appeals on Monday, July 27, 2020. Mr. Murphy has provided his recommendation for each of the Petitions. Chair Harnais asks the Zoning Planner to present them in order.

Petition 20-07, 19 Wilkins Road, Mr. Murphy reads the legal notice into record:

Karen Bonatti, Applicant, for relief from Bylaw requirements under Chapter 135-407 and 135-701 for the construction of an 8 Foot x 10 Foot (80 Sq. Ft.) deck with underneath storage to a Non-Conforming Single Family Dwelling. The Applicant seeks a variance as the proposed deck will have a Rear Yard Setback of 26.5 Feet and 30 Feet is required. The property is located at 19 Wilkins Road, Braintree, Ma 02184 and is zoned Residence B, as shown on Assessors Map 3057 Plot 16 and contains a land area of 5,733 Square Feet.

Staff recommendation is that staff would like to note the applicant has yet to provide a reasonable hardship for the requested variance; staff would like the Board to consider the deck as proposed is not compliant by 3.5 feet with a 26.5 foot setback where 30 is required. Staff recommends favorable action on this as the relief requested is deminimis. There are no questions from Planning Board members. Planning Board agrees to follow recommendation of the department. Member Baker **MOTION** to follow the recommendation of the department on this Petition; seconded by Member Downey; voted 6:0 by roll call (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Petition 20-08, 82 Sheppard Avenue, Mr. Murphy reads the legal notice into record:

Linda M. Kennedy, Applicant, for relief from Bylaw requirements under chapter 135-402, 135-403, 135-701 and 135-707 to construct a full second story addition over the existing 1 story Non-Conforming Single Family Dwelling. The Applicant seeks a finding to construct the 632 Square Foot Addition over a Non-Conforming Front Yard Setback. The existing Non-conforming Front Yard Setback is 18.5 Linear Feet and the required Front Yard setback is 20 Linear Feet. The property is located at 82 Sheppard Ave, Braintree, MA, 02184, and is zoned Residence B as shown on Assessors Map 3010 Plot 27 and contains a land area of 6,155 Square Feet.

Staff would like to note that proposed second story addition would be in harmony with the surrounding single family dwellings in the area. The Applicant could construct the addition by right; however, this would create a jigsaw look to the dwelling. Staff recommends favorable action on the Petition, as submitted. Chair Harnais asks if the Applicant is present. Mr. Murphy clarifies that, in the past, applicants have not really attended Planning Board meetings related to Zoning Petition applications. There are no questions from Planning Board members. Member Grove **MOTION** to follow the recommendation of the department on this Petition; seconded by Member Downey; voted 6:0 by roll call (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Petition 20-09, 300 Granite Street, Mr. Murphy reads the legal notice into record:

Jayson Parillo, Pablocki Sign Company, Applicant, for relief form Bylaw requirements under Chapter 135-407, 135-904.2 and 135-905 for the installation of an additional wall sign measuring 8.68 Feet x 4 Feet (46.88 Sq. Ft.) to the existing office building. The Applicant seeks a variance for the proposed sign that exceeds the requirements for wall signs in a Highway Business Zone. The property is located at

300 Granite Street, Braintree, MA, 02184, and is zoned Highway Business District as shown on Assessors Map 2040 Plot 13 and has an area of 4.36 Acres.

Staff recommends favorable action on application as submitted. Member Grove asks what signage is proposed. Mr. Murphy explains that they are re-tenanting the 3rd floor of the office building. They would like some sort of directional signage that would alert customers that the company is there on the third floor. As you know, these two office buildings, which are located next to South Shore Plaza, sit at a lower elevation than Granite Street, itself. You can drive down Granite Street and see the fourth floor and the roof from Granite Street. They would like to have a sign that faces Granite Street from the third floor that alerts users trying to access the office. Member Grove asks if there is any signage at the roadway entrance. Mr. Murphy advises that there is not currently any signage at that location. There is existing signage on the building for Liberty Bay Credit Union. What they are proposing is smaller but similar in style. Member Baker asks if the sign is going to be backlit and if there is any delineation of the sign. Mr. Murphy states it will be backlit, with a hollow steady white reflecting out. Member Baker confirms it will not shine light onto Granite. Member Downey has no questions; Member Mikami has no questions; Member Joyce has no questions. Chair Harnais has no questions. Member Baker **MOTION** to follow the recommendation of the department on this Petition; seconded by Member Downey; voted 6:0 by roll call (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Petition 20-10, 90 Albee Drive, Mr. Murphy reads the legal notice into record:

Mark O'Brien, Applicant and Property Owner, for relief from Bylaw Requirements under Chapter 135-407, 135-609, and 135-701 to construct a 500 Square Foot Deck, 250 Square Foot Pool House and patio improvements. The Applicant seeks a variance as the proposed improvements would increase the Lot Coverage to 26.9% whereas 20% lot coverage is allowed in a Residence A Watershed Zone. The property is located at 90 Albee Drive, Braintree, MA, 02184 and is zoned Residence A Watershed as shown on Assessors Map 1102 Plot 28.

Staff recommendation states the Applicant is seeking approval to increase the Lot Coverage to 26.9%. The property is zoned Residence A Watershed, pursuant to Section 135-609 and 135-701. The Applicant is seeking to go over the allowed 20% Lot Coverage. Mr. Murphy provides a brief explanation and states inside the Watershed, if your dwelling was built after the adoption of the Watershed, you are allowed 20% Lot Coverage. Pre-existing dwellings inside the Watershed are allowed up to 50% Lot Coverage. The Applicant is willing to propose drywells and other stormwater features to capture the stormwater runoff from impervious surfaces throughout the site. Multiple properties along Albee Drive contain accessory structures and features that the applicant seeks permission for. Staff recommends denial as applicant has yet to provide evidence of the required hardships under Section 135-407 and MGL Chapter 40A Section 10. Member Grove has no comments. Member Baker asks what current lot coverage is; Mr. Murphy states he is at 20% now. The Applicant received a Building Permit to construct a pool and that brought his Lot Coverage right up to 20%. Anything else they want as accessory to the pool will need permission from Zoning Board of Appeals. Member Baker asks what the Applicant is proposing. Mr. Murphy states the Applicant is proposing a fairly significant amount of impervious coverage. He is proposing to increase his already existing deck. In addition to that, he is proposing a patio that goes from the deck, encompasses the pool, and in addition have a pool house that would be impervious, as well, as it sits off the patio. Member Baker suggests he should look into different types of lot pavers called Unilock Pavers, which are a pervious paver. Mr. Murphy states pavers are still counted as lot coverage. Mr. Murphy states he is continuing to work with Applicant. Member Downey no comments. Member Mikami asks if they have an existing pool. Mr. Murphy clarifies they received a Building Permit for the pool. Member Mikami clarified that none of those additional items were on the original plan for the pool. Member Mikami asks if the other homes on Albee at over 20% Lot Coverage and also in watershed. Mr.

Murphy states the Watershed Protection Overlay District (WPOD) covers a lot of area in South Braintree. There are properties on Albee Drive that are over 20%, and the Albee Drive subdivision was built after the adoption of the Watershed. Member Mikami asks if the Zoning Planner saw the original plan that brought Lot Coverage up to 20%. Mr. Murphy has seen the original plan. Member Joyce has no comments.

Member Grove **MOTION** to follow the recommendation of the department to DENY this Petition; seconded by Member Downey; voted 0:6 by roll call (Member Grove: DENY; Member Baker: DENY; Member Downey: DENY; Member Mikami: DENY; Member Joyce: DENY; Chair Harnais: DENY). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

PUBLIC HEARING

357 and 365 Grove Street and 1006 Liberty Street – TCO 20-044

Application for Rezoning From Residence A and B to General Business

Co-Applicants: Mayor Charles C. Kokoros and Liberty Grove LLC

7:27 PM – Five Planning Board Members and Associate Member William Grove are participating.

Appearing for the Applicant:

Mayor Charles C. Kokoros

Mike Modestino, Attorney for Liberty Grove LLC

Chair Harnais reads the Public Notice into record.

Mayor Kokoros thanks the Planning Board and all joining tonight. One of his first goals was to come up with an alternative plan for the site of the proposed 96 40B apartment development that was given site eligibility by the state and is currently before the Zoning Board of Appeals. Mayor Kokoros feels the proposed plan would leave the town with little to no discretion regarding traffic, increased school enrollment and other mitigation which only comes with development in Braintree.

Through Planning Staff, Mayor Kokoros reached out to Mr. Clements, and with a lot of hard work by Ms. SantucciRozzi and Mr. Clements we were able to come up with the proposed rezone; Mayor Kokoros feels this rezone is a win/win. On the General Business side, the former gas station was an eye sore for years. We have the potential for a new CVS to be built. On the adjacent lot, we would be able to utilize our ability through the Community Preservation Funds to work on the back portion of this lot. The rezone before the Planning Board tonight, which the Mayor is sponsoring and 100% supporting, is the best case solution rather than the 96 unit development that was proposed. It gives us an opportunity to do two things. It allows us to improve the general business side of the property and maintain a large area of open space and save maybe the oldest home in Braintree. Mayor Kokoros believes there has been good faith effort made by the Town as well as the owner of the property to come up with a best fit for Braintree that he 100% supports. Mayor Kokoros hopes that the Planning Board will take favorable action tonight, as he would like to move forward with the Community Preservation Committee and Town Council on the back portion of the property. Mayor Kokoros states they have been looking at many things, but this has been an important and timely issue. Thankfully the owner of the property was willing to come up with an alternative to create a very useful redevelopment of that area, while maintaining a large area of open space and maintaining a historic home.

Assistant Director SantucciRozzi wants to share her screen. The first document shows an existing Zoning Map from the Town's GIS, and she provides an explanation of current zoning for that area. The next plan shows the entire three parcels including the front portion (to be rezoned) and the rear portion (in white). The back "white" portion is not in the application for rezone. She would like to draw everyone's attention to the front portion of the property, which depicts existing Residence B cross-hatched in light blue, which will go to General

Business. The area cross-hatched in lilac which is Residence A, will go to General Business. The area on the corner, which is current General Business, is 14,409 square feet. Assistant Director SantucciRozzi explains that Attorney Mike Modestino is here representing Liberty/Grove LLC.

Chair Harnais opens discussion to the public.

Matt Gains, attorney, represents Bill and Gail Proulx owners of 371 Grove Street; they are the closest abutter to this project. Attorney Gains asks for a point of clarification. He has reviewed zoning bylaw. If re-zoning gets approved, will site plan review be needed? Assistant Director SantucciRozzi confirms this is correct; any structure over 500 square feet is subject to Site Plan Review. Attorney Gains asks if any consideration has been given to shifting and rezoning more of 1006 Liberty Street lot, moving away from residents on Grove Street. They were taken aback by Mayor's letter, where he noted open space buffer would be created; however, there is no buffer for his client at 371 Grove Street. It seems like an easy fix for everything to shift down a bit and perhaps not rezoning 365 Grove Street in its entirety. Attorney Gains understands when the Site Plan Review is filed that actions on this site would be considered. He wants to lay the groundwork that if this gets rezoned, how close his client's house will be to this CVS; 371 Grove Street is losing its buffer to the street when 365 Grove Street is torn down. Attorney Gains feels a lot of it can be solved if the structure is moved further down. Attorney Gains realizes that when the Site Plan application is filed, that is when conditions for this project can be put in; however, something needs to be done. Chair Harnais states the best forum for that would be when we get into Site Plan Review because we are talking about a building that we haven't seen all the details on. Attorney Gains thought tonight would be a good time for this discussion to propose the possibility of rezoning more of 1006 Liberty Street.

Assistant Director SantucciRozzi wants to address the issue of shifting CVS structure. She explains the town's intention is to retain the structure located at 1006 Liberty Street; that structure was constructed in the late 1600's, and we are pursuing Community Preservation funds for the purchase of that. We haven't fully vetted that, but she needs to make it clear that the intention is to keep that home and not put the CVS on that corner. The Assistant Director confirms that most of the issues that have been raised are Site Plan issues. The Assistant Director states they spent a lot of time analyzing space and what is being developed on Grove Street, which is a state highway. Shifting more onto Liberty and removing the dwelling at 1006 Liberty is not feasible because of wanting to preserve the historic home. Attorney Gains doesn't believe there is a current historic designation. The Assistant Director confirms that it doesn't currently. Attorney Gains hopes issues would be addressed at Site Plan Review.

Member Baker proposes his client taking ownership of a section of 365 Grove Street. Attorney Gains would have to discuss that with his client and states he would like to have additional conversations with the Applicant on behalf of his client.

Member Grove wants to address the last comment related to the exit/entrance being too close to the intersection; Attorney Gains mentions that his client finds it problematic where the proposed exit/entrance is located now, and he would note that the current curb cut for the gas station is much further down. He recognizes that his next comment is related to Site Plan Review, but states why not use the current curb cuts that exist for the gas station.

Chair Harnais doesn't want to get into discussion regarding site plan review. We are only here with regard to the scope of the zoning.

Councilor Larry Mackin, District 6, mentions that this property is in his district, and he would like to echo Mayor Kokoros' sentiment and would like to thank the mayor's office, Assistant Director SantucciRozzi and Mr.

Clements for the flexibility he has shown. Councilor Mackin thinks this is a far better option for the neighborhood than what was proposed. He hopes we can work out a situation in favor of the Proulx's. He fully supports this rezone.

Anthony LaPuma, 965 Liberty Street, asks based on lot size and building size, what is the difference between the size of building proposed for the 40B and the CVS. Assistant Director SantucciRozzi clarifies that the CVS is proposed at 13,000 Square Feet; the 96-unit 40B development is just under 100,000 Square Feet of building area in a four-story building, which is 25,000 square feet of foot print or lot coverage. Mr. LaPuma is in favor of the 40B development because of how housing situations are currently; he is in walking distance from this site location.

Rayna Rubin, member of the Braintree Historic Commission, is pleased to see that the historic building is being considered and saved as part of this proposal.

Chair Harnais opens discussion up to the Planning Board for questions and comments.

Member Grove assumes the wetlands are part of this area; Assistant Director SantucciRozzi states the wetlands have been flagged. The development is small (13,000 SF). The Assistant Director states the main goal was to develop the portion of the property up on the state road. It just so happens that the wetlands are right in the middle of site. Member Grove confirms that the building is a single story building.

Member Baker asks if this is approved, can the 40B still be explored or is it only going to be a CVS or is it up to the developer? Mayor Kokoros in answer to that, the whole crux of this rezone relies on the purchase of the land in the back. It will be done as a package deal through the Town Council. Once the rezone and the Community Preservation part are completed in their entirety before the Council, according to the developer, at that point the Comprehensive Permit would be withdrawn. Attorney Modestino can confirm that.

Michael Modestino attorney representing the developer, states certainly the Comprehensive Permit would be withdrawn. Attorney Modestino wants to thank the Planning Department and the Mayor. Attorney Modestino would like to work with Attorney Gains as we move forward toward Site Plan Review to make sure the Proulx's concerns are adequately addressed.

Member Baker states his only other comment is that he was excited for a 40B or 55+ development. He wishes it could have been something further explored.

Member Downey's understanding of this transaction if the rezoning goes through, the applicant will withdraw 40B application. Mayor Kokoros states Community Preservation funds would have to be approved by the Committee as well as by the Town Council (as two votes, one for the rezone and one for the purchase with CPC funds). Member Downey asks will Liberty Grove LLC own the land that CVS is built on. Attorney Modestino states that is correct.

Member Mikami states he is the representative from the Planning Board to the Community Preservation Committee; he was fortunate to hear the initial plans a month ago; he was pleasantly surprised that the developer was opened to find an alternative along with Planning Department staff and Mayor's office. The Community Preservation Committee had a positive impression of this with regards to CPC's mission; Member Mikami doesn't see any roadblocks with CPC. In terms of zoning, we have a very nice new CVS on Church Street, which the Planning Board was responsible for. They are aware of neighbor's boundaries, and they have found ways to come up with good plans, good ideas and make it quality. This area needs to be redeveloped, and it is a good, solid plan. This has a lot of good pieces to it. He is confident when we address Site Plan

Review and Special Permit, it will be very positive. This is a very positive resolution, and we have all the capabilities to make it a high quality project. He thanks everyone involved.

Member Joyce has no questions or comments.

Chair Harnais understands what Member Baker is saying, but he thinks this is a good solution.

Member Downey **MOTION** to close the public hearing; seconded by Member Baker; voted by roll call (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES).

Member Mikami **MOTION** for a positive recommendation to rezone the land at 357 and 365 Grove Street and 1006 Liberty Street as provided by the recommendation of the staff on this Petition; seconded by Member Downey; voted by roll call (5 Votes - Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES).

PUBLIC HEARING

Zoning Bylaw Text Amendment – TCO 20-043

Two-Family Conversion Section 135-102 Definitions and 135-601 Use Table

Co-Applicants: Mayor Charles C. Kokoros and Councilor Steven Sciascia, District 2

8:09 PM – Five Planning Board Members and Associate Member William Grove are participating.

Appearing for the Applicant:

Mayor Charles C. Kokoros

Councilor Steven Sciascia, District 2

Director Stickney explains that the legal notice needs to be read into record. Chair Harnais reads the public legal notice into record.

Director Stickney explains that there has been a request by Mayor Kokoros and Councilor Sciascia to continue the Public Hearing without testimony until the next Planning Board Meeting on August 11, 2020.

Member Joyce **MOTION** to continue this hearing until the Planning Board Meeting on August 11, 2020; seconded by Member Baker; voted by roll call (5 Votes - Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES).

CONTINUED PUBLIC HEARING

11 Sherbrook Avenue – File #19-16

Special Permit and Site Plan Review (Two Family Conversion)

Feng Zhong, Applicant

8:12 PM – Five Planning Board Members and Associate Member William Grove are participating.

Appearing for the Applicant:

Feng Zhong, Applicant

Kai Yin Yip, Architect

Director Stickney explains that, at the last meeting, on March 10, 2020. Member Downey and Chairman Harnais had been absent but had done the Mullin Rule. She reminds Members that we had opened the public hearing and reviewed a number of issues. Draft Conditions were provided to the members. At the last meeting there was an issue regarding church parking, and that item is included in your correspondence. At this point all

departments have responded back, and any concerns were incorporated in the draft conditions. The Applicant has been provided the draft conditions.

Chair Harnais asks if the Applicant wishes to make any comments; she does not.

Chair Harnais asks if this public hearing was closed. Director Stickney clarifies that it was not. She mentions that a Correspondence List was provided to the Planning Board at the last meeting, and it would need approval.

Member Downey **MOTION** to accept correspondence into record; seconded by Member Baker; voted by roll call (5 Votes - Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES).

Member Downey **MOTION** to close public hearing; seconded by Member Baker; voted by roll call (5 Votes - Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES).

Chair Harnais will entertain a motion with regards to this petition.

Member Mikami asks if all issues are set on this; Director Stickney states yes all issues have been addressed in the draft conditions, and applicant has reviewed the Draft Conditions.

Member Mikami **MOTION** to vote positive on the Special Permit for 11 Sherbrooke Avenue Planning Board File #19-16; seconded by Member Baker; voted by roll call (5 Votes - Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES).

Director Stickney states to the Applicant of 11 Sherbrooke Avenue that she will be in touch with the Applicant tomorrow.

CONTINUED PUBLIC HEARING

35 Middle Street – File #19-17

Special Permit and Site Plan Review (Two Family Conversion)

Stephanie McMains, Applicant

8:17 PM – Five Planning Board Members and Associate Member William Grove are participating.

Appearing for the Applicant:

Stephanie McMains

Director Christine Stickney explains that the homeowner at 35 Middle Street, Stephanie McMains, is with us tonight. Stephanie had provided all the materials, including the final plan with all the revisions on it that we had asked for by a professional Land Surveyor. At this time, we also have Draft Conditions, and those were provided to the Applicant as well, and to the Board Members.

Chair Harnais opens the Hearing to the public; there are no comments or questions from the public. Chair Harnais then opens discussion to the Planning Board Members.

Member Grove has no comments.

Member Baker recalls that the only thing he discussed on this agenda item at the last meeting was a staircase that was built or not built within that set-back, and he asks if there are any updates. Director Stickney states

there were discussions with Building Department. Ms. McMains states the Building Department came out and took a look at the stairs. Other than being too close to the property line, they were conforming, except for the lower exit, which is a third exit for the Applicant. The conclusion was that if they ever have to rebuild the stairs, if they keep them in the same footprint, it is acceptable.

Member Downey has no questions.

Member Mikami asks if the applicants are going to rebuild the stairs or not. Ms. McMains states not at this time; Member Mikami confirms because the Building Department basically said it was legal.

Member Mikami asks if there were any other issues. Director Stickney states that initially there had been some questions on whether the house predated 1940; Director Stickney states they were able to resolve those issues and find the information that was necessary. The only other issue was the staircase, and we were to talk with the Building Department on that. We asked to have some Flood Plain information added to the Site Plan and that stamped by the Surveyor, and that has all been done.

Director Stickney mentions that she had neglected to say that the last time we heard this Public Hearing was also March 10, 2020, and Member Baker had complied with the Mullin Rule. So, all five Planning Board Members are participating.

Member Joyce has no further question or comment, nor does Chair Harnais.

Member Downey **MOTION** to accept 25 pieces of correspondence into record; seconded by Member Baker; voted by roll call (5 Votes - Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES).

Member Baker **MOTION** to close public hearing; seconded by Member Downey; voted by roll call (5 Votes - Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES).

Member Mikami **MOTION** to vote positive on Special Permit for 35 Middle Street, Planning Board File #19-17; seconded by Member Downey; voted by roll call (5 Votes - Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES).

NEW BUSINESS/OLD BUSINESS

Approval of Meeting Minutes – February 11, 2020 and March 10, 2020

8:23 PM – Five Planning Board Members and Associate Member William Grove are participating.

The draft minutes for the Planning Board Meetings on February 11, 2020 and March 10, 2020 have previously been provided to the Planning Board Members for review and comments.

Member Downey **MOTION** to accept the minutes from the Planning Board Meetings on February 11, 2020 and March 10, 2020; seconded by Member Grove; voted by roll call (6 Votes – Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Chair Harnais asks to have the Modification Discussion on Petersen Pool now because he has to recuse himself from the Quirk Hearings.

NEW BUSINESS/OLD BUSINESS

Modification Discussion – Petersen Pool – PB File #15-19 – E Street LLC

8:24 PM – Five Planning Board Members and Associate Member William Grove are participating.

Appearing for the Applicant:

Phil Cordeiro, Allen & Major Associates, Inc.

Paul Cokinos

Director Stickney explains that the Engineer, Phil Cordeiro, from Allen & Major is here. She did provide the Planning Board Members with a report from Mr. Cordeiro. What has happened with the Petersen Pool is that we were going along with the site preparation and we started to run into some issues with the ponding occurring on the site and some of the sedimentation that we were experiencing. So, after a number of site meetings, we worked with the Applicant to discuss what possible mitigation should be done. Level 1 Engineering, the original engineers, were then replaced by Allen & Major (or they are working together as we are not sure of the actual details), but Allen & Major are here tonight to present what they have found after going through the files and seeing the drainage issues out on the site, and they are recommending maybe some mitigation to address this issue. Director Stickney suggests Mr. Cordeiro present to the Board what is going on with the site and what recommendations you are going to be putting forward. Director Stickney suggests that Mr. Cordeiro provide information on the material he has a visual of on the computer screen.

Phil Cordeiro, Allen & Major, states he was contacted by Mr. Cokinos, and they were given the record plan for the site, which is the approved grading and drainage; it shows the location of the new ice-rink facility and drainage. Behind the facility are several drainage fields. He highlights those fields on the plan. Mr. Cokinos contacted Mr. Cordeiro stating the site was not draining at all, and he felt there might be some long-term problems. Mr. Cordeiro and Mr. Cokinos performed a site visit; Director Stickney also provided information so he was able to glean information from both the builder's and the Town's perspective. Mr. Cordeiro recommended that the soils information that was provided on the record set was pretty sparse. The Record Engineer that had designed the site really relied on a single test pit to draw their conclusions for the drainage performance that would be anticipated. At a bare minimum, the Stormwater Handbook Regulations require one test pit be conducted for each 5000 square feet of stormwater retainage area. Mr. Cordeiro recommended that Mr. Cokinos undertake some additional test pits to confirm everything listed in the Drainage Report or see if something was amiss. Mr. Cokinos had excavated the back of the site; he was asked to hold off, and Allen & Major conducted 6 additional test pits; what they found was that the ground water elevations reported in the record test pit seemed incorrect. The actual elevations observed in the field were higher. At the same time, the design engineer used a table of values from the Stormwater Handbook to deduce the rate at which stormwater can move through the soil. While that is perfectly acceptable, anecdotal evidence at the site may have dictated otherwise that some actual test pit data should have been performed on the site. Allen & Major used what is called an NPD, which is a complex device that measures the perc ability rate of the soil within the drainage; what they found is the movement of the water to the soil was quite less than what was reported in the Record Drainage Report by a factor of almost two-to-one. Essentially, you would be creating a bathtub on the site. The water would be retained in the bathtub much longer than approved. You would be releasing more water out of the site than what was approved by both the Planning Board and Conservation Commission. Once Allen & Major knew there was a problem in terms of the soils and how they were evaluated, they took a further deeper dive in the actual Drainage Report that was provided with the Record Set; they recreated the design parameters than the Record Engineer had used in order to provide reasonable recommendations on what to

do to change this system to ensure better functionality. They took the Design Engineer's Record Watershed Plans and followed the drainage model information; Mr. Cordeiro highlights the drainage plan. What they found, as they were remodeling this, is that there were a number of modeling errors, and a lot of things got overlooked.

As soon as you have errors in the electronic model, it ultimately produces results that become suspect. At the end of the day, recreation of those models is where the errors become identified. The output that is provided for Peer Engineers might not highlight those errors. What that means for the Board and the recommendations put forth for Mr. Cokinos, if he were to install the drainage system as approved on these plans, it would not have performed as required. The way to mitigate that in this case is we need to add additional stormwater mitigation on the site. That is in the form of additional stormwater chambers. The red area highlighted on the plan is just schematic, but is a reference to the amount of additional mitigation that should be implemented at the site. It is to the tune of 263 stormwater chambers. By reference, what is currently approved is about 600 chambers, so they are increasing the capacity by about 33% to overcome the poor soils that are out there. Mr. Cordeiro mentions that what the Board does not see on the plan is the elevational effect of the higher ground water, and he states they are working with the builder to determine the correct elevations of the site and ensure for adequate separation for groundwater. The area that was under construction when they were out there, if those systems were constructed in full conformance with the plan, the bottom of the system was skirted right on top of the groundwater table. A minimum of two feet of separation is required. That would have been a violation of the regulations.

To overcome that, not only would they suggest that additional chambers be implemented to existing fields, the two fields do need to be raised. The lower system needs to be raised by two feet to compensate for the groundwater elevation. The upper field needs to be compensated by about three feet for the separation of groundwater in that area. What this will entail for the Board, as we work through an updated design, is the elevations along the back of this building need to be adjusted. They need to be raised to provide proper cover over a stormwater system while maintaining the separation to groundwater. What they would like the opportunity to do, through the Board, is ultimately work with staff to review what those design implementations become and how the site gets modified to really reconcile and rectify the drainage situation.

There are a few points that Mr. Cordeiro wants to touch upon. He mentions that Director Stickney was very definitive to point out certain aspects at the site because, frankly, he is still learning about the site. He does know that the buffers that were provided for along the residential side and the outlet pipes that take everything out to the headwall. Proposing a modification to the drainage fields from the record set, all of that work can exist within what is currently proposed. They would not seek to increase the clearing limits; there is no additional encroachments. There is no stretch to the project. Everything that they do can exist within the limits of what the Board has already seen. It is in conformance with the layout already approved. While they are a proponent of "green-based" designs, he would suggest that the use of rain gardens on this particular site, given the subsurface conditions, would not drain very well. The four proposed in the front would become a soggy, unsightly blemish, in terms of overgrowth. Mr. Cordeiro is suggesting that, as they modify the drainage, they seek the opportunity to modify the rain gardens by elimination. He recommends to the builder that these four rain gardens areas just be sufficiently landscaped so you get the aesthetic appeal without the stormwater implications. Mr. Cordeiro hopes the Board would ultimately support that at the end of the day.

Mr. Cordeiro concludes, in totality, they are asking for permission to work with staff to iron out these design iterations, hopefully resulting in an improved project while correcting some deficiencies and supporting the long-term sustainability and performance of this site.

Director Stickney states when we started this process, the Planning Board had extreme concerns about the drainage; much of what we worried could happen has actually happened. We put a number of conditions in the Special Permit decision because we weren't satisfied with some of the information as to the groundwater systems. We have seen this come to fruition.

Director Stickney continues, at this point, Mr. Cordiero did a great explanation of what the issues are and what they propose to do. Director Stickney suggests to the Board that tonight be a discussion and questions from Board Members, but we should have this reviewed by our new Town Engineer when he comes on board next week. In no deference to Mr. Cordeiro, Director Stickney thinks we need to have our Engineering Department take a look at it.

Chair Harnais opens discussion up to the Board Members. There are no questions from Members Grove and Baker at this time.

Member Downey asks about work being stopped on the site. Mr. Cordeiro states they had already stopped work, but were gearing up to proceed. After he saw the site, Mr. Cordeiro suggested not pursuing anything further, as it would be just wasting money. Member Downey asks when work stopped. Mr. Cordeiro states he was contacted about four weeks ago, but they had stopped work prior to that. Director Stickney states it was probably about the beginning of May that worked stopped, so it has been down about two months at this point.

Member Mikami thanks Mr. Cordeiro for his candor. This is a very emotional project for the Town. Member Mikami states those that have played on that field know that it is a swamp; when we had the public hearings, he was highly skeptical from the comments, assurances and arrogance of the original Applicants. Member Mikami states the rain gardens are a marketing thing; where is the water going to go? Member Mikami feels that it is engineering fraud hoisted on the Town. Member Mikami states for the rain garden stuff, do we need to put tanks/units under there to drain out, as well. Mr. Cordeiro explains how the rain garden works and that they are suggesting taking that out of the equation and beautifying the area with improvement to landscaping. They can still handle drainage by leaving the catch basins in place that were originally proposed, modifying them slightly to receive the water in a cleaner manner, and simply rerouting everything to the back of the site. Member Mikami states when there was discussion about elevations, we are not talking about elevating the building. Mr. Cordeiro states they are not quite there yet, but it is not out of the question. Maybe the back wall of the facility needs to be elevated vertically with more exposed concrete to act as a retaining wall. The problem is when you elevate the receiving bathtub (the stormwater basins) all of the pipes that are connected have to be elevated with it. Because the drainage wraps around to the front, there is the potential that you may need to raise the footprint. It is up in the air right now; they would prefer not to have to raise the building. They would want to keep the foundations at the approved elevations, but it is not out of the question that it may have to be raised. Member Mikami states the tagline was if the drainage fails the project fails. Member Mikami encourages Mr. Cordeiro to be as honest as possible; there are so many people counting on this. Despite all the nonsense from the original applicants and us putting in conditions, we still have the reality of the water and how this big structure is going to be put together and stabilized. Member Mikami states clearly you are the first honest voice in all of this, and he asks Mr. Cordeiro to give it to us straight. Mr. Cordeiro states he doesn't have a "dog in the fight" other than to ensure this works for all parties; Mr. Cordeiro states the interaction with Mr. Cokinos and Director Stickney have been open lines of communication. The two memos that he has written have been, at this point, just data oriented. He does not want to be accusatory or inflammatory; he wants to identify that inconsistencies have been identified and need to be rectified. Member Mikami states the bottom line is we have to make this work.

Member Joyce states she is a Registered Professional Engineer and stormwater is her area of expertise. Being a Member of the Planning Board and working through this process over the last couple of years, with the

pool and the drainage, we have had multiple discussions with our Review Engineer, the Planning Department and the Engineer of Record, Dan Campbell. That is why we ended up with our conditions. Member Joyce states her first question is where is the Engineer of Record, what is his role and who is the Engineer or Record for this project? From Mr. Cordeiro's knowledge, Dan Campbell from Level1 Design Group is the Record Engineer.

Mr. Cordeiro states anecdotally Mr. Cokinos has reached out to Mr. Campbell, but Mr. Campbell has not responded after several weeks of Mr. Cokinos reaching out. This is second-hand information. Member Joyce asks who has ownership of the design drawings and what will be built. What happens when we have another engineer come in and change the design? Do we end up with an Engineer of Record for the drainage system and an Engineer of Record for the Site Plan? This could end up being confusing on multiple levels. This needs to be sorted through. Member Joyce asks if Mr. Cordeiro thinks he will end up being the designer of the new drainage system in its totality. Mr. Cordeiro thinks he will be, and he states Mr. Campbell would have to retain ownership of the layout information, zoning compliance, approval and coordination with the conditions. Mr. Cordeiro would like to offer up an alternative drainage design based on the conditions that they have observed; they would take ownership of that drainage information. Mr. Cordeiro advised that they cannot change another engineer's design; ethically, Mr. Campbell would have to be notified that another engineering firm has an alternate design. Mr. Cokinos, as the builder/developer, would accept Mr. Cordeiro's design upon approval of the Minor Modification, and that would be written into the Minor Modification Decision that the drainage would solely be based on whatever is offered to the Planning Board for review and approval.

Member Joyce states that would effectively be a complete new drainage design by Mr. Cordeiro's office. Mr. Cordeiro states we are not going to scrap everything Level 1 Design did, because some of it has merit. They just didn't factor in all of the particulars of the site. Because of that, the system ultimately became undersized. Mr. Cordeiro's firm is providing a remediation plan that will increase the capacity of the system and design what-ever else needs to change because of that increase in the system to provide a new grading plan, a new catch basin design plan, etc. so that everything is cohesively connected. They are not just saying "please add 250 chambers on the side of the building and you will be fine". That is a very narrow scope and is destined for failure. Everything needs to be looked at comprehensively; the drainage is all inter-connected. We need to understand that in raising these systems and enlarging them what happens to the drainage piping around the site and also what happens to the outlet systems as you go down to the receiving area by the pond so that everything is properly accounted for. We are putting an additional pair of eyes on those other elements to make sure it is all together.

Member Joyce asks about infiltrometer testing at the system that was excavated against the track where they had started putting chambers. Was any testing done where the other system was proposed? Mr. Cordeiro explains that they did a test in the smaller system against the track, and then they did a couple of tests on the larger, longer system behind the building. They also did a test as close as they could get to where the other system is proposed within the fenced construction area. The third test was not actually where the field is going to be located. It was adjacent to and as close as they could get without removing the asphalt. They did a test inside each of the areas. If this updated design passes muster, they will actually do an infiltration test in the area of the additional chambers proposed, as well. They found consistency in the infiltration results across all of their data. They found consistency in the material layers across all of the holes they dug. They found reasonable consistency to the elevated season ground water across all of the tests they did. All of the data is connected and similar to each other.

Member Joyce states the system that was under the existing parking lot, she recalls that ground water was closest to the surface, and that system was going to be proposed in the ground water with some under-drains; Member Joyce mentions that they had talked to the Design Engineer about that being a permissible way of

doing something like that. Would the metrics of that system stay the same, or were you going to change anything in that system? Mr. Cordeiro would suggest changing this; it is not a good idea to have this in the groundwater table. Regardless of the technical ability, engineers tell you about the separation of ground water because that is what is offered up under State Regulation. Mr. Cordeiro confirms that Member Joyce sees this in her professional trade also. Putting them in the groundwater tables is not a good idea; it affects the capacity and function of the system. Mr. Cordeiro would want some separation. Member Joyce asks if he looked at the feasibility of constructing that system. Mr. Cordeiro is still looking at that. They just went through their drainage evaluation last week in an effort to get a good summary for this meeting to give the Board an indication of what is going on at the site, as it is such an important project for the town. They do have a few steps ahead of them before they reach that final design. Member Joyce asks if he gave any consideration at taking a step back and looking at the site as a whole, thinking is there a better way to manage the stormwater. Member Joyce believes the chambers selected are some of the larger chambers on the market. They are three or four feet in height and usually are put in places where there is a good depth to groundwater available. She was curious, instead of adding more chambers that might not even be a good fit for the site, just select a different method or was the task to try to get the system to work with the least number of changes as possible. Mr. Cordeiro states Mr. Cokinis didn't box them into any particular path. Mr. Cordeiro states the approach they have taken was not to throw out everything Level Design had proposed; it was to use their design intent, but correct inconsistencies – elevation, quantity, capacity. They did, in fact, stick with using what had been proposed to the Board under the assumption that this Board had seen it, it was Peer Reviewed and accepted. So Mr. Cordeiro's firm was spring-boarding off of that. Mr. Cordeiro states if the Board has concern of continuing with these particular chambers, they would be happy to investigate it and put forth some alternative considerations. They would be happy to do that. However, as time has elapsed and work has been stopped at the site, hitting the pause button to do multiple analyses may be counter-productive to the overall timeline of the project. But if it's to the benefit of this Board to see and understand alternatives that is what Mr. Cordeiro is here for.

Director Stickney suggests we discuss this with the Administration (DPW Director Jim Arsenault is a Professional Engineer, as well as the new Town Engineer) in a little more detail to see what the long vision is for the campus. Member Joyce thinks that is a good positive way to approach this. Ultimately, we had a design that was designed by a professional. He had stood behind his design. Now we have some differing opinions, but in the absence of the original Design Engineer to defend his position, we should take a step back to take a look at it in order to follow the right process.

Director Stickney states this is why she felt that it was important to have the presentation at this point because the Board needs to make a determination on whether this is a Minor or Major Modification. However, the Director doesn't think we are there yet; we have to do some more work on this and work with our in-house resources. There would be a staff recommendation coming as to how it would go forward. If it is determined that this is a Major Modification, that requires the Special Permit to be re-opened.

Chair Harnais states this a lot to digest, and he suggests this be continued until the next meeting. Director Stickney states we will try to get as much material to the Board in advance on this issue and discuss this with the Administration. They will also take in the concerns that Member Joyce is expressing. Director Stickney states staff will put this on the agenda for the August 11, 2020 meeting. Director Stickney clarifies that this does not need a motion, it just has to be placed on the Agenda.

Chairman Harnais recuses himself from the next two hearings and leaves the meeting at 9:08 PM.

PUBLIC HEARING
441 Quincy Avenue – PB File #15-07
Major Modification to Site Plan Review Decision

Quirk Cars and K Spillane LLC, Applicant

9:09 PM – Four Planning Board Members and Associate Member William Grove are participating. Chair Harnais has recused himself from this Application.

**Appearing for the Applicant:
Attorney Frank Marinelli**

Vice Chair Joyce reads the Public Notice into record and turns the presentation over to the Planning Department and the Applicant.

Assistant Director SantucciRozzi explains that she will share her screen and put up the site plans and the layout; then she can put other items up based on Attorney Marinelli's presentation.

Attorney Frank Marinelli, who appears on behalf of Mr. Quirk and his entities, provides an overview of the business at 441 Quincy Avenue. It is an over 11 acre site. Through the years, Mr. Quirk first opened a car dealership in Braintree in 1979. He has been a terrific business person and benefactor to the town in community endeavors over the past 40 years, with approximately 15 dealerships, with 4 dealerships in New Hampshire. Mr. Quirk employees over 1200 people. 435 and 441 Quincy Avenue was originally approved as a Jeep dealership in 2015 with over 11 Acres of property. There are approximately 896 parking spaces. There is a flagship Jeep dealership that was constructed in 2015. The property was formerly the downtrodden Flibotte's junk yard. Quirk bought that property in 2012; they cleaned it substantially and built dealership in 2015. The area where they are proposing an approximate 4500 square foot building Pre-Owned Building is at the front of the site, the south-westerly end of the site. Quirk Pre-Owned is currently across the street at 372 Quincy Avenue. That building will be the subject of the next application. Quirk Pre-Owned does not need that amount of space at 372 Quincy Avenue. They are going to vacate that building and build a smaller building across the street where there is plenty of land to accommodate this building, as you can see on the Site Plan. The 4480 square foot building will be the new home of Quirk Pre-Owned.

Attorney Marinelli advises that they have worked with all of the comments that have come in. They have been addressing these with their engineer, Jim Burke. Attorney Marinelli believes all of the recommendations of all of the Department Heads have been met. The proposal for Quirk Pre-Owned only requires 18 parking spaces, so there is more than enough parking on the site, and the Staff Report addresses that. In that area, there is 153 parking spaces. They are a Highway Business Zone, and a Highway Business Zone allows car dealerships as a use "by Right"; it is an area that is a significant commercial corridor. The Applicant has met the requirements of Section 711 of the By-Law. The Applicant has worked with staff on findings and draft conditions, and they are prepared to answer any questions.

Vice Chair Joyce opens for comments to the public. There are no questions or comments from the public.

Vice Chair Joyce opens discussion to the Planning Board Members.

Member Mikami's only comment is in terms of landscaping; do we feel this is sufficient and does it meet the requirements. Assistant Director SantucciRozzi states they do have a Landscaping Plan, which she is sharing onscreen. The Assistant Director states there is very nice landscaping proposed around the new building. Now that we have the landscaping along Quincy Avenue, that was planted around 2015 for the Jeep Dealership, there is quite a bit of texture, and they will look at placing some street trees with a decent canopy to provide a softening. These recommendations are in the Staff Report. The Landscaping Plan will need to be augmented if this is approved this evening, as recommended in the Staff Report prior to filing the Decision. Member Mikami states that is very positive, and he asks approximately how many additional trips are there. Attorney Marinelli explains the

milestone is 50 trips before having to do a traffic study. Using ITE and the volume of traffic on Quincy Avenue, findings are contained in the Executive Summary. Attorney Marinelli explains that both westbound and eastbound on Quincy Avenue will continue to operate as it currently does.

Member Baker just wants to make sure landscaping is sufficient for the site, as we just want to beautify projects.

Member Downey has no questions.

Member Grove discusses they are required to have 19 customer parking spaces, how many are there? Attorney Marinelli states there are 153 spaces; Member Grove states a lot of the spaces will be for display and asks specifically how many spaces are available for customers. Attorney Marinelli clarifies that the Staff Report in Condition 39 outlines everything in the 11 acres, and he goes through how many spaces are required for each category totaling 896 parking spaces. Member Grove asks if this is an existing curb cut. Assistant Director SantucciRozzi states the curb cuts are existing; it was permitted through MassDOT and MEPA. This was confirmed through MEPA, and MASSDOT is not requiring anything additional in regards to the curb cut.

Member Joyce asks for a point of clarification on the existing parking lot with no building, is that currently used by one of the dealerships or is it used for general additional parking for Quirk. Attorney Marinelli states it is used for Jeep inventory, and it is not needed for additional buildings. There is more than enough parking in terms of customer allocation, employee allocation and exterior storage spaces. Member Joyce states that sounds good.

Assistant Director SantucciRozzi does not see any comments from the public.

Attorney Marinelli would like to add that, not only is this a “use by right”, but everything complies with the dimensions and density requirements for the site.

Vice Chair Joyce looks for a motion to close the public hearing.

Member Baker **MOTION** to close public hearing; seconded by Member Grove; voted by roll call (5 Votes - Member Mikami: YES; Member Baker: YES; Member Downey: YES; Member Grove: YES; Vice Chair Joyce: YES). Chair Harnais was recused from this Application.

Member Grove **MOTION** to enter correspondence into record; seconded by Member Downey; voted by roll call (5 Votes - Member Mikami: YES; Member Baker: YES; Member Downey: YES; Member Grove: YES; Vice Chair Joyce: YES). Chair Harnais was recused from this Application.

Vice Chair Joyce confirms that the Applicant has reviewed the Staff Report and Draft Conditions.

Member Mikami **MOTION** for positive action on the Major Modification to the Site Plan Review on Decision #15-07 for 441 Quincy Avenue; seconded by Member Downey; voted by roll call (5 Votes - Member Mikami: YES; Member Baker: YES; Member Downey: YES; Member Grove: YES; Vice Chair Joyce: YES). Chair Harnais was recused from this Application.

PUBLIC HEARING

372 and 410 Quincy Avenue – PB File #14-05

Major Modification to Site Plan Review Decision

Quirk Cars, Chester Sherman LLC and K Spillane LLC, Applicant

9:32 PM – Four Planning Board Members and Associate Member William Grove are participating. Chair Harnais has recused himself from this Application.

**Appearing for the Applicant:
Attorney Frank Marinelli**

Vice Chair Joyce reads the Public Notice into record and turns the presentation over to the Planning Department and the Applicant.

Assistant Director SantucciRozzi explains that she has the Landscaping Plan up, and it shows the existing curb cuts. She can put other items up based on Attorney Marinelli's presentation.

Attorney Marinelli appears for Quirk Car Company, and he reiterates his prior remarks related to Quirk over the past 40 years. This site is a combination of two acres to the left of the site on the plan (formerly the South Shore Viking Club), and then to the right is the site that exists now at 372 Quincy Avenue, which is the Quirk Pre-owned Dealership with 15,636 Square Feet. As mentioned in the prior application, Pre-Owned doesn't require that much space, so they will be moving across the street in the 4,480 Square Feet Subaru. Quirk Subaru will be moving into this building. Quirk Subaru will occupy the 15,636 square foot existing building for Sales, and they are proposing a 17,500 Square Foot addition, that is shaded on the plan. This is the Service end of the Dealership. You will have Sales and Service. If you look at the façade, there is a nice divide that facilitates the two parts of the business.

By way of background, Mr. Quirk worked with the South Shore Viking Club back in September; they signed a Purchase Agreement for \$2Million. It is quite an investment in the property and in Braintree. He is going to invest about another \$1Million in construction. The Applicant worked with both the Viking Club and the Braintree Historical Commission. On June 22nd, the Braintree Historical Commission gave permission, under the Demolition Delay, to demolish the building. The building has been in significant disrepair. This will be a new state-of-the-art facility. The dealership use is a "use by right". It will not require findings or variances; everything complies with density and dimensional requirements. The parking is delineated on the Site Layout Plan; there is a total of 90 parking spaces required under the ordinance; we have a total of 220 spaces. In addition, they have a total of 201 exterior display parking spaces and an additional 94 spaces. There is a total of 515 parking spaces, which is more than adequate under the Zoning Ordinances.

Attorney Marinelli explains they have a Landscape Plan that shows plentiful plantings on that site and complies with all open-space requirements of the district. Attorney Marinelli is happy to answer any questions. It is pretty straight forward in terms of an addition. It is easily accommodated with the additional 2 acres of land that is being added to the site.

Vice Chair Joyce asks if there is anyone from the public wishing to speak or ask questions. There are no speakers from the public at this time.

Vice Chair opens discussion to Planning Board Members.

Member Mikami asks if the Applicant got any feedback from community on what should go in here. Attorney Marinelli states this property is next to a "use by right", and Mr. Quirk has made a tremendous investment in the town. There really wasn't discussion on alternative uses. Attorney Marinelli states not everything that is old is historic. The Viking Club building was in significant disrepair. Attorney Marinelli reviews the history of repairs to and state of the building. There was nothing architecturally significant or historic about the building. There was no proposal to save the building; the Club took whatever they wanted out of the building, and whatever was left was abandoned.

Member Mikami confirms that these lots are being combined. Assistant Director SantucciRozzi states yes, and 372 Quincy Ave. is current address for the Pre-Owned, which will become Subaru, and 410 was the address of the Viking Club. She is not sure which address Mr. Quirk will use. Assistant Director SantucciRozzi states they will be keeping the existing curb cuts for Pre-Owned and the two curb-cuts at the Viking Club will be closed. Member Mikami comments to make the landscaping the best we can. Attorney Marinelli states the landscape plan is something that the Board will find to be tasteful and adequate. On the Planting Legend, there are 198 deciduous shrubs and another 200 or so other plantings. Assistant Director SantucciRozzi states the current Landscaping Plan is on the screen; there will be additional plantings added. She has asked for a few more street trees. There some large trees in the front that she discussed preserving with the Site Engineer. There are some minor issues to work out. It has never been a problem having Mr. Quirk address these issues. The Assistant Director mentions that she was a little late with her Staff Report, and she told the Applicant not to throw together the plan with revisions, but to listen to the comments from this evening, as well. In addition to what the Board sees in front of them, there will be additional plantings added to the ones that have already been proposed.

Member Baker states the existing Viking Club seems like they have a considerable green space behind the building. When the sites are combined, what is being considered for that area? Attorney Marinelli is sorry, but he doesn't have the exact specifics for that area. Assistant Director SantucciRozzi states we don't have the delta because they are looking at the whole site. The resulting lot coverage will be 74.8%. There may be some additional green space added, as well. They are trying to get creative with adding more islands. Assistant Director SantucciRozzi would like to point out that Mr. Quirk lays his properties out as if they were regular parking lots, and he doesn't do the deep stacking that other dealerships do. They have discussed the potential to making storage aisles one-way and adding some additional green space. Assistant Director SantucciRozzi can assure the Planning Board that things will be improved from what we see this evening. She explains that if anything is happening to the plan it will be more landscaping; as shown currently, they meet the zoning requirements for lot coverage, open space and building coverage. Member Baker was curious about the differential; he mentions there looked like a pork chop shape area of green space behind the left-hand corner of the building.

Assistant Director SantucciRozzi states Mr. Quirk is going to be installing a retaining wall and doing some significant grading along this back area. The area at the abutting dealerships is vegetated, as well. Those two combined will create a nice buffer. There is currently a wall there now that is going to be extended. The Chevy and current Subaru is at the bottom of that wall. This dealership is up at the top. There is quite a bit of land in old Quintree site. Member Baker just wants to make sure it looks nice, with appropriate screening for neighbors.

Member Downey has no questions or comments.

Member Grove asks what are the 15 oversized spaces used for on the left-hand side. Attorney Marinelli states that includes some proposed snow storage. Member Grove asks about under normal conditions. Attorney Marinelli thinks they are pretty much storage spaces. Member Grove is questioning whether the 24 foot aisle width is sufficient. Assistant Director SantucciRozzi states they are designed as double-deep. Member Grove states they are wider than the normal spaces. Assistant Director SantucciRozzi states those spaces are 9 feet wide. Mr. Grove confirms that all of the activity is happening on the left-hand side. Mr. Grove wanted to confirm nothing was happening behind the people on Dewey Road.

Vice Chair Joyce does not see any questions or comments from the public.

Vice Chair Joyce asks if the Applicant anticipates much ledge removal on the site of the Viking Club. Attorney Marinelli cannot answer that as the Engineer is not available. Member Joyce this is just an observance, and she makes a comment to Staff that this can be added to conditions, just to make sure we are covered. Attorney Marinelli heard from Steve Claremont, from the Quirk Companies, that the drainage design was altered to mitigate ledge removal.

Member Joyce asks, with regard to the new wall construction, what is the property to the west. Attorney Marinelli states behind the building is the Quirk Chevrolet parking lot, Training Center and current location of Quirk Subaru. Member Joyce confirms that both properties would be in common ownership, and that construction won't be an issue. Attorney Marinelli states there is no third party abutter. It is all Quirk ownership. Member Joyce asks if there is meant to be an access drive between the two properties at the top right corner. Attorney Marinelli confirms this. With the absence of the Engineer not being here, Member Joyce would like to make sure that her drainage issue was covered in the report. Member Joyce asks if there were any additional comments from the Stormwater Division. Assistant Director SantucciRozzi states there were some original comments, and Jim Burke revised the plans based on department comments. He is also going to be adding an isolator row for additional TSS removal, as suggested from the Stormwater Division.

Member Joyce asks, from the Department's perspective, where are we. Assistant Director SantucciRozzi states we have revised set of plan, and similar to across the street, there will be some minor revisions. We have asked for bike parking spaces. The revisions that are needed are cut and fills. There is a detail of the wall. We will get a structural plan. We will get an updated lighting plan. The landscaping plan will add additional plantings and potentially greenspace. Minor things need to be tightened up and there needs to be updates to some Conditions. Assistant Director SantucciRozzi states Mr. Quirk prepares plans that show where they are going to store cars and where customers are going to park. He doesn't use any of the parking that is required for Zoning to store his cars. He makes sure there is sufficient parking for his customers, his employees and then he figures out what he can do as far as storage on the site. The original application included a Special Permit for the buffer. There is no work being proposed on the side near Dewey Avenue. She has reviewed the findings, and there is nothing being proposed that is in conflict with those findings. This is just an amendment to the Site Plan. The findings will be kept as they were, and the Plans of Record will be updated.

Attorney Marinelli states they have reviewed the 60 draft conditions, and they are acceptable.

Member Mikami discusses the possibility of electric vehicles or hybrid vehicles and charging stations. Are there any plans or provisions for charging stations? Attorney Marinelli states they are in the process of doing that at all of their dealerships.

Vice Chair Joyce asks where the detention basin is located. Assistant Director SantucciRozzi highlights on the plan where the detention basin is located. Member Joyce is a little concerned with the proposed outfall. It defeats any treatment that you do. This could end up being quite erosive on that slope. She is not sure the treatment provided on the plan is enough. She would like to make some note that the outfall for Drainage System 1 is provided with adequate erosion control, velocity dissipation and protection of the slope. Attorney Marinelli advises that the outfall is for a storm event – like a 100 year event. It won't be an outfall that produces that level of concern with every rain event. Vice Chair Joyce wants to make sure that it is stabilized and it doesn't erode the base of the wall. Attorney Marinelli has no objection to that kind of a condition. Assistant Director SantucciRozzi thinks what we can do is take a look out in the field; it is more than a precautionary situation. In those larger storm events, you don't want to get wash-out there. There is quite a bit of parking in front of that discharge point. We can take a look out in the field, even if Member Joyce wants to join us. That area is hard to see, unless you are familiar with the site. Assistant Director SantucciRozzi thinks she understands Vice Chair Joyce's concerns, and she thinks they can improve that outfall.

Braintree Planning Board
July 14, 2020
Via Zoom

Member Joyce confirms that the Applicant has had a chance to review the Staff Report and has been working along with staff and the project has been moving along.

Vice Chair Joyce looks for a motion to close the public hearing.

Member Downey **MOTION** to close public hearing; seconded by Member Baker; voted by roll call (5 Votes - Member Mikami: YES; Member Baker: YES; Member Downey: YES; Member Grove: YES; Vice Chair Joyce: YES). Chair Harnais was recused from this Application.

Member Downey **MOTION** to enter correspondence into record; seconded by Member Baker; voted by roll call (5 Votes - Member Mikami: YES; Member Baker: YES; Member Downey: YES; Member Grove: YES; Vice Chair Joyce: YES). Chair Harnais was recused from this Application.

Member Mikami **MOTION** for positive action on the Major Modification to the Site Plan Review on Decision 14-05 for 372 and 410 Quincy Avenue; seconded by Member Downey; voted by roll call (5 Votes - Member Mikami: YES; Member Baker: YES; Member Downey: YES; Member Grove: YES; Vice Chair Joyce: YES). Chair Harnais was recused from this Application.

Member Downey **MOTION to adjourn** the meeting; seconded by Member Baker; voted by roll call (4 Votes - Member Mikami: YES; Member Baker: YES; Member Downey: YES; Member Grove: YES; Vice Chair Joyce did not vote).

The meeting adjourned at 10:27 PM.

Respectfully submitted,
Louise Quinlan,
Planning/Community Development