



**Mayor
Charles C. Kokoros**

Department of Planning and Community Development

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PLANNING BOARD

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Approved: November 9, 2022

Braintree Planning Board – Tuesday, August 9, 2022, at 7:01 PM – Cahill Auditorium

Present:

Ms. Erin Joyce, Chair	Melissa SantucciRozzi, Director
Ms. Kim Kroha, Vice Chair	Connor Murphy, Zoning Planner
Mr. Darryl Mikami, Clerk	
Mr. William J. Grove, Member	
Mr. Thomas Kent, Member	
Ms. Jennifer Connolly, Alternate	

Chairwoman Erin Joyce calls the meeting to order at 7:01 PM and then states that we will be addressing the Old/New Business prior to opening our first hearing at 7:15 PM. We have a full Board present this evening. Five (5) full members (Chairwoman Joyce, Member Kroha, Member Mikami, Member Grove, and Member Kent) and one (1) alternate member (Jennifer Connolly) are present this evening. Member Connolly will be participating in all matters but voting on only the ones where we don't have a full quorum of full board members.

OLD/NEW BUSINESS: Extension of Time to Complete the Project: 40 Connelly Circle (File #21-18)- Grading Permit - Leon Grindle, Applicant

7:02 PM – Five Planning Board Members are participating.

Chairwoman Joyce asks staff to provide an update on this request.

Director SantucciRozzi has been in discussions with Mr. Grindle. He was here presenting the modifications to the slope and the grading work that was done without the benefit of a Grading Permit. The Director spoke with Mr. Grindle about a month ago. They had some health issues that precluded them from starting the project. He has asked for an extension of time to conclude the project to November 30, 2022. That is what is in front of the Board this evening. If the Board is so inclined to grant this extension to November 30, we would need a motion.

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

Member Grove **MOTIONS** to extend the date to conclude the project for PB File #21-18, 40 Connelly Circle until November 30, 2022; seconded by Member Kent; voted 5:0:0.

OLD/NEW BUSINESS: Approval of Meeting Minutes July 12, 2022

7:03 PM – Five Planning Board Members are participating.

Chairwoman Joyce explains that there are minutes from our July 12, 2022, Planning Board Meeting proposed for approval. The Chairwoman asks if there are any comments on the meeting minutes; with no comments, she looks for a motion to approve.

Member Kent **MOTIONS to approve** the minutes from the July 12, 2022 Meeting, as drafted; seconded by Member Grove; voted 5:0:0.

OLD/NEW BUSINESS - DISCUSSION: Master Plan Update and Next Master Plan Steering Committee Meeting – Wednesday, July 27, 2022, at 7:00 PM (Cahill Auditorium in Braintree Town Hall 7:04 PM – Five Planning Board Members are participating.

Chairwoman Joyce advises that we also have a QR code link on the agenda, which connects you with the Master Plan Website where you would be able to access our survey that we are currently conducting. Chairwoman Joyce encourages the community to take it home, share it with neighbors or family members, and spread the word. The Chairwoman states the committee is hoping to get a lot of feedback. At the last Master Plan Steering Committee Meeting, we had about 360 responses, and we have 37,000 residents. The Chairwoman feels that we still have some work to do.

Chairwoman Joyce shares a general update on the Master Plan. We are continuing to spread the word on the survey. We are moving into the second community meeting on October 15, 2022. We are going through Existing Conditions data and then moving into a visioning. The Chairwoman asks staff if they have a further update or if the members have any questions specific to the Master Plan.

Director SantucciRozzi emphasizes the importance of public participation. The more input we receive, the more the outcome of the Master Plan will reflect the vision and goals of the residents.

Deanna Murphy, Verde Salon, currently at 89 Hancock Street, explains they will be moving to 865 Washington Street. They will have a little bit bigger of a space. They are very community based. As a salon, they would love to be able to be part of it. They are very sustainable. If the Master Plan involves local businesses, they would love to be a part of it. Chairwoman Joyce explains that we are trying to reach out to local businesses. Director SantucciRozzi suggests visiting the website. We are in the process of updating information. She suggests taking a survey and getting input from clients. The Chairwoman states we are encouraging residents and businesses to take the survey. It is imperative to hear from lots of voices helping us formulate what we will have as our future vision.

Chairwoman Joyce encourages Board Members to take the survey. Chairwoman Joyce opens discussion to any comments or questions from the audience related to the Master Plan.

The question from Deanna Murphy, Verde Salon related to what a business could do to help with the Master Plan. Chairwoman Joyce suggests attending community events and introducing themselves as a business owner. If there are particular topics in the master plan that you are interested in, provide feedback on areas related to your business or your areas of interest. The Chairwoman suggests being part of committees or future planning. She also suggests advertising the survey or putting the agenda in the waiting room. The business asks for an explanation of the breakdown of the Master Plan. The Chairwoman explains that the Master Plan has separate components for different aspects. There are technically seven components, and one component includes things related to transportation, parking, and pedestrian access. The Chairwoman provides an example of a situation that pertains to this issue and how businesses could provide information or concerns related to specific components of the Master Plan.

Ms. Murphy asks about Sustainability and what that aspect means for the Master Plan. Director SantucciRozzi explains that Sustainability is a separate element, but what the committee has decided was to roll that into all the components of the plan. It does include green infrastructure, water supply and even sustainability around development. Ms. Murphy explains that her business is very green, and they have a lot of green initiatives that they do that they could share with other salons to help them reduce their water waste, do composting, and recycle their hair and color. The Director explains the meeting schedules, meeting tools and highlights the next meeting on August 18th and explains it is opened to the public.

PUBLIC HEARING: GRADING PERMIT (File #22-07)
131A Pond Street – Mark and Theresa Farina, Applicant
7:15 – Five Planning Board Members are participating.

Appearing for the Applicant:
Chi Man, Engineer from Hardy Man

Chairwoman Joyce asks staff to read the public notice.

Assistant Director Connor Murphy reads the public notice into record.

Chairwoman Joyce asks the Applicant to provide an overview of the project.

Chi Man, Civil Engineering Director from Hardy-Man Design Group, explains that the subject property does not have frontage. It is in the rear of the lot and has a 12-foot right-of-way. The access is from Pond Street, and it has beachfront access onto Sunset Lake. They are proposing to repair what is on the site currently (i.e., a patio, a wooden retaining wall, and wooden stairs that go down to the steep slope at the beach). The wood is getting rotted out. They are proposing to extend the existing patio and create a terrace. They are proposing to create a two-tier wall – a granite/modular wall. They are four-feet high. It will create a nice patio behind the building. The existing slope is very sharp. This will enable them to create two tiers with a planting area, which will be better to maintain.

The Applicant has received prior comments from the Conservation Commission and Planning Staff. One of the comments was that the proposed work was further into the flood zone. Mr. Man had read the map incorrectly, but they will put the wall back right up to the frozen line. They will start the work at the 100-year flood line, at elevation 110, as shown on the plan. That will help them on the drainage because they will not be creating a lot of erosion, which is happening currently. They have mitigation measures on the patio. They have planting plans, showing plan materials that will be planted on the wall and the slope. Part of the comments from staff is that the Applicant should loam and seed the area. For the record, Mr. Man did a written response to Mr. Murphy's Staff Report. It has the revised plan addressing all the comments and the material requested; Mr. Man highlights what is included in the revised materials. They have extended the contours on the sideline further out to demonstrate they are not impacting any neighbor properties.

Mr. Man states they are scheduled for Conservation Commission. The revised plan addresses all comments from the Conservation Agent, Kelly Phelan, and Mr. Man advises that they met last week, and he believes she was satisfied with all the revisions.

Chairwoman Joyce reminds that this is a new public hearing and reviews process for public comment, and she asks Assistant Director Murphy to review his Staff Report.

Mr. Murphy explains that the application was reviewed against Article 12, and that is what the Staff Report reflects. There were some minor requests to be added to the plan, and there were some other revisions that needed to be made, as well. Ultimately, the staff recommendation on this matter tonight is to continue this with testimony to the September 13, 2022 meeting. As the Applicant has revised plans, staff seeks permission to draft findings and conditions. Chairwoman Joyce confirms that staff wants to take commentary tonight but then continue in order to get draft conditions for the next meeting.

There are no comments from the public.

Member Mikami asks Mr. Man if the reason is simply because the conditions have deteriorated, and for safety reasons the owner wants to basically replace and improve. Mr. Man confirms this. There is no added impervious surface on the whole project. There is no tree cutting – just removing some shrubbery on the steep slope. Member Mikami asks staff if there is a consistency around the lake for this type of work, especially related to drainage. Mr. Murphy explains that Pond Street is elevated from Sunset Lake itself, and what the Applicant is proposing is consistent with the abutting parcels. Mr. Murphy adds that the department has received correspondence from DPW, and they indicated that they do not require any stormwater permitting for this project.

Member Kroha asks if there has been any feedback from the neighbors on either side of the proposed property. Mr. Man has not heard any feedback. They are simply improving the existing conditions.

Member Grove has no comments or questions.

Member Kent has no comments or questions.

Member Connolly no comments

Mr. Man explains that the owner is doing the right thing rather than having a contractor in to begin the work before getting the Grading Permit.

Chairwoman Joyce has a comment related to something the Assistant Director had also flagged. She asks about a section of the pavement that encroaches on the neighbor to the east. Mr. Man explains it is a shared parking area. Chairwoman Joyce has no further comments or questions, and seeing no comments or questions from the public, she is looking for a motion to continue this hearing.

Member Mikami **MOTIONS** to continue the Public Hearing until the Planning Board's next meeting on September 13, 2022 at 7:15 PM; seconded by Member Grove; voted 5:0:0.

CONTINUED PUBLIC HEARING: SPECIAL PERMIT/SITE PLAN REVIEW (File #22-03)
60 Columbian Street – Banner Park Campus, LLC, Applicant
7:28 – Five Planning Board Members are participating.

Appearing for the Applicant:
Chris Reale, Managing Partner, Banner Park Campus, LLC
Karlis Skulte, Civil and Engineering Consultants
Andrew Arsenaault, Vanasse & Associates-Traffic

Chairwoman Joyce introduces this hearing and advises that the applicant will be opening with an update on their progress.

Chris Reale, Managing Partner of Banner Park Campus, advises that Attorney Palmucci could not attend tonight's meeting. Mr. Reale explains that they started this process earlier this year and have gone through several rounds of Peer Review comments. This is the fourth Planning Board meeting for this application, and it has been a very productive process. They acquired the property back in December 2021. It is a very large property, which is close to 130 acres. This process has been very helpful for the Applicant team to get an understanding of the concerns raised by Weymouth and some of the abutting properties. Mr. Reale hopes what the audience hears tonight is the Applicant's effort to address some of the concerns, while still maintaining their proposed vision. The Applicant provides a project update on how many meetings have been held since their initial meeting before the Planning Board on April 12, 2022.

Mr. Reale reviews the Overview Slide for the project and explains that the Engineer for the project, Karlis Skulte, will review this in more detail. They have made significant changes to Building B, peeling it back quite a bit given the concerns of the neighbors. The Applicant has worked with Planning Staff regarding what the remainder of the site will be and providing public access to the trails, which has been an important part of the project for the Applicant from the beginning. They have cited the Dog Park location on the plan in an area that makes it much more publicly accessible. This property was initially approved both locally and through MEPA in 1990. At that time, they were using the entire site. A big part for the current applicant, even though they engineered the whole site and there is significant, developable land, was keeping that 40 acres undeveloped. There is an existing trail network back there. The Applicant has walked it with the New England Wildlife Center. They do a bunch of programming back there. It connects all the way to the rear of the property and takes you out to Cranberry Pond. It has been a future, and it's been great to work with various constituents on what that could possibly be in the future.

Mr. Reale highlights the site history of the original Tricon Park project to illustrate that a big part of this project in that both buildings have been sized to market demand. Braintree, in the past few months, has gotten significant momentum in the biotech industry in manufacturing, and the Applicant thought that the two buildings were both a better, more responsible use of the property to consolidate the development to the front of the site and would have a better chance of attracting some of the high-quality tenants that have already found Braintree to be a great place to do business.

Mr. Reale addresses the issue that this is an industrial project, we have Mass General in the front of the site that was previously approved, and how does the public access this property and the trails? Mr. Reale, who does quite a bit of hiking himself, thinks a trailhead behind two industrial buildings is probably not the best place for that. There is existing access from the other existing and more established trailheads for people that want to walk, but this new access at the front of the site reduces the amount of travel that people need to do on the main access road, and it is more prominent. Mr. Reale explains that they have provided public parking spaces, and there is a direct access to the trails from this area. It will help the general public in accessing this away from both the neighbors on the other side of the property, as well as the businesses that will be relocating here. Mr. Reale highlights the conceptual trail map. The Applicant is looking forward to working with members of the community. There are people that know the property better than the Applicant, and Mr. Reale states it has been great to work with the New England Wildlife Center. They have been there for close to 20 years and know that property very well. They have entered into an agreement with the New England Wildlife Center to help construct and maintain those trails.

Much of the trail network outside of the Applicant's property is existing. The area highlighted in red on the "Proposed Trail Connectivity" Plan is largely existing, but Mr. Reale thinks it needs some coordination with both Conservation and members of the public. It provides very robust access to the trails. Mr. Reale states this has finally come together. It has been discussed in many meetings, but it didn't make a ton of sense until the Applicant provided this more public trail access. Mr. Reale concludes the update and mentions that Karlis Skulte will talk about the specific changes that they have made.

Mr. Reale advises that they have started the MEPA process. There is a new regulation that went into effect in January, the Environmental Justice Notifications. The Applicant has submitted that, and the first date that they can submit an ENF, which is the first submission, is August 15th. Mr. Reale explains that the way they approached this is that they have had extensive Peer Reviews, they have changed the plan in response to concerns, and he thinks it is a much better projects and one that they believe is very marketable. They are going to submit an expanded ENF, so instead of three submissions, it would be two and they would largely be using all the materials reviewed by the Planning Board and the Peer Reviewers. They are ahead of the game. The Applicant's plan is to submit that this month, assuming they get approval so that they know they have a final plan. Mr. Reale acknowledges that there have been concerns from the Town of Weymouth and their Peer Reviewer about the MEPA process. Mr. Reale explains that there was never an intent to short-circuit that. It is very much a part of the approval process, and one they are fully prepared to go through, as they have a great group of consultants that have been through this many times. Mr. Reale expresses that he feels comfortable that this process has been very extensive, and great care was given to the neighbors on both sides. Even though it is a larger property with much more developable area that previously was approved for much more, the Applicant feels comfortable that the MEPA process will be on track. They are going to start their design process, and he feels like they won't lose any time, and he looks forward to addressing any comments and concerns that are raised in that process.

Karlis Skulte with Civil and Engineering Consultants, who are the Civil Engineers on this project, states he will walk through some of the changes that they have incorporated into the plans since the previous submission. As mentioned earlier, the revised plans have been through another round of Peer Review comments. They received revised letters back from both the Stormwater Peer Reviewer and the Traffic Peer Reviewer earlier this week and late last week. All comments have been addressed, with a few record-keeping things to clean up as they move forward.

One of the elements that Mr. Skulte want to address, which was discussed more so in the Conservation Commission hearing, was reference to vernal pools located along the easterly property line within the Town of Weymouth. The Applicant re-engaged the Wetlands Consultant that they have for the project, who went back out with the Conservation Commission from both Braintree and Weymouth as well as some of the residents and flagged the wetlands and performed an inspection. They then went out and surveyed the wetland flags that were hung in the field defining these vernal pool areas. All of these are on the plans, and they are outside of the 100-foot protection area around the vernal pools that are associated with it according to the regulations. Additional materials and description were provided as part of the Conservation Commission process.

Mr. Skulte goes on to highlight the changes and magnitude since the original submission of this project months ago. Mr. Skulte states the red line on the plan shows the limit of grading or limited disturbance that was associated with the original proposal. The most notable changes that we see are along the Weymouth town line in the southeast corner of the project. There were several revisions incorporated into the project over the course of the changes here, which included elimination of an exterior trailer storage area, reductions by

approximately 10,000 square feet of the actual Building B area, shifting the loading docks over approximately 40 feet to the west, as well as other revisions to fencing and screening. Mr. Skulte explains that the current proposal now in front of the Planning Board includes a 15-foot fence, which is an upgrade from the 10-foot fence they had previously proposed. They have added some height to provide additional visual screening as well as noise buffering along that property line. There has been a lot of changes in that area that have helped provide additional buffering to the Weymouth town line in the southeast corner of the property. They now are approximately 140 feet away from the town line, with the proposed screening fence, where the original proposal was a little bit more than 30 feet. It is a significant change in the project in that area. The Applicant has been able to scale it back and maintain more natural vegetation and buffering and screening along that edge. Additionally, the project was pulled up further to the north, which provided additional setback and maintained vegetated areas along the wetlands on the southerly edge of the project. With the reduction of 10,000 square feet of Building B, the Applicant was able to pull everything up a little further and provide more of a natural buffer to that existing wetland to the south. As part of the recent changes, they have eliminated the open basin that is in the northwest corner of the property, which is the bottom left corner of the plan. By eliminating that and incorporating more subsurface stormwater chambers beneath the paving, they have been able to reduce the amount of tree clearing and disturbance in that area, which also helps provide more natural vegetation and buffering in the northwest corner of the site. Mr. Skulte advises that on the latest plans they also provided some additional information related to the wetland enhancements that are also proposed along the westerly edge of the property, which includes more planting, and more wetland species that are infilling. It is basically supplementing that natural vegetation that is there today.

Mr. Skulte advises that Building B is part of the changes, and a big part of that was in response to the comments the Applicant received from the abutters. The total square footage of Building B was reduced by 10,000 square feet. The Applicant took 10,000 square feet off the building at the southerly edge, which allowed them to pull everything up further to the north by an equivalent amount. They were able to move the loading docks away from the edge, so they are more centrally located within the building. They worked with the architectural team to make sure that wouldn't negatively or materially impact the functionality within the building. Although it is not the ideal condition, Mr. Skulte thinks that, by providing that additional buffering, it could be accommodated into the building and still be able to function well. As mentioned earlier, the fence that they have along the easterly edge of the property has been upgraded to be 15-feet tall, which provides a significant visual as well as a sound attenuation buffer along the easterly property closest to the Weymouth residence.

There was also some drainage reconfiguration within the site. With all the additional test pitting that was done, a revised stormwater management plan was prepared providing additional detail for the stormwater management design. They have reconfigured a lot of the subsurface stormwater management chambers to work with the additional testing to ensure they are providing the additional separation they need from the groundwater and to make sure it was designed in accordance with the information they saw for the subsurface soil conditions. Mr. Skulte advises that all of this was detailed in a very robust Response to Comments Memorandum, which was submitted to the Town for review. The third-party Peer Reviewer did review it and provided a memorandum in response indicating that all the comments were addressed to their satisfaction. Mr. Skulte highlights a slide which shows the magnitude of the impacts and the revisions that they incorporated into the project. They reconfigured the stormwater system and added a few more chambers to account for the elimination of that subsurface basin area. They also finetuned the grading and provided some additional stormwater bmp's into the project design, including level spreaders at the outlets to help dissipate the stormwater flows so they wouldn't have a point source discharge. It allows the water to be spread more evenly at the discharge locations to better maintain those existing flow patterns.

There were two additional significant elements that they incorporated into the project design. In the original submission, they made mention to the project potentially being a land-use with higher potential for pollutant loads. Ultimately, with some of the revisions throughout the process, the Applicant essentially acknowledged that would be the case. They incorporated several stormwater management features to account for that. It included shutoff valves that were introduced prior to the stormwater infiltration systems at all the connection locations. There is a new valve located upstream of all the stormwater management systems, which can be manually turned off. If there is a spill or something else happens at the site, it allows that to be better controlled at the source, so it doesn't get into the ground water. They view the stormwater management bmp's for proprietary water quality systems in conjunction with some of the other elements to evaluate the capacity. There was also a review of the drainage discharge. They also introduced a bio-retention basin or a rain garden at the downstream location of one of the discharges behind Building B. This allows for additional sediment removal and treatment prior to ultimately discharging back to the existing wetlands. There were several revisions/modifications to help improve the water quality and the overall treatment of the system. They also reconfigured the drainage system in the upper right-hand corner behind Building B to ensure that they are providing additional stormwater recharge in that area. That is one of the areas that drains to the vernal pool area. With some of the modifications, they have been able to document that the design meets both the surface runoff as well as the recharge.

Mr. Skulte explains that one of the main areas of focus was what can they do to provide additional buffering and screening to the Tommy Marks Way residents and the residential properties in Weymouth. In addition to the height being added to the fence, they also provided additional landscape plans that provided more robust landscaping in that area, which will provide more of a visual barrier at the low level because there is so much mature landscaping out there, as the tree canopy is a little bit higher up. They wanted to make sure they were able to infill more at the ground level with some natural vegetation that will help screen the fence from view. They will have the noise and the buffering attenuation from the development side of the property as well as a visual barrier that looks more natural from the residential side of the properties, as well.

Mr. Skulte will mention that, from a traffic management standpoint, they did also provide additional analysis and a response to the original comments that came back from the Town's peer review engineer, who provided a second peer review memorandum. Mr. Skulte understands that there are no major outstanding issues at this time. One of the things that Mr. Skulte looked at was how the parking ratios do fit within the project that they have allocated because there isn't a defined use for the CGMP type of facility for the tenants they are looking at. They looked at it from a few different standpoints and potential mixes for the various potential uses they could see at this site, whether it's a mix of office and research or light manufacturing or warehouse uses that are contemplated. The Applicant evaluated that, and stress tested it based on ratios of those uses being within the buildings. Ultimately the parking being provided does meet the mix that you would be able to see for a facility of this size. That analysis was done to make sure that the parking being provided does meet those ratios. Mr. Skulte explains that there will be ongoing oversight, management, and evaluation of how the site functions to document and ensure that it is functioning, and the design metrics are meeting their goals.

Chairwoman Joyce states there is a lot of new information tonight and Mr. Skulte touched on the Peer Review Reports that we have received. The Chairwoman mentions that the Bob Michaud, Peer Reviewer for transportation from MDM Transportation Consultants is here with us tonight, and she asks Mr. Michaud to go over his findings. The Chairwoman states that the consultant, Deb Keller, that did the drainage review with Merrill Engineers is not available this evening, but the chairwoman will touch base on the report we received from Ms. Keller. The Chairwoman also notes, and asks for a confirmation from the Applicant, that we have

some correspondence from Green International, which was the Town of Weymouth's Peer Review Consultant. It looks like most of those issues were addressed. Chairwoman Joyce explains that, after Mr. Michaud provides an update, she will ask that the Applicant's engineer to come up and make any comments related to the other two peer reviews.

Bob Michaud, MDM Transportation Consultants, explains this is the first presentation of their Peer Review so he will cover it in two pieces. The Applicant originally submitted a Traffic Impact and Access Assessment dated February 2022 and subsequently amended that in May 2022. Mr. Michaud issued an initial review based on those two submitted documents. As the Board is aware, the update to the program shifted the mix of uses to potentially research/development or GMP (good manufacturing process) type uses, which is a higher generating category among the available land uses that might go in there. Their initial filing was slanted a little bit more toward warehousing. The supplement filed in May 2022 was very helpful in that it encapsulates what they would consider to be the highest impact scenario for the potential redevelopment of that property. The Peer Review Consultant has issued two peer review documents – the first of them in May following the issuance of the supplement, and they had identified a total of about a dozen comments that related not only to how the traffic study was conducted and whether or not that met certain industry standards, which it did, and also certain aspects of the site plan itself, as it related to maneuverability, access, circulation, and safety issues like sight lines. Mr. Michaud advises that the Applicant then proceeded to amend its Site Plan and Mr. Skulte went over some of the highlights to that. They have had at least two meetings with staff and the Applicant to talk about those changes. The Peer Reviewer believes that the originally submitted study and the supplement meet good industry practices in terms of how they've evaluated the impact of the project. The Peer Reviewer believes that the Applicant has used appropriate baseline traffic volume conditions that were collected prior to the pandemic, and they were grown to a future year scenario and included other area project background developments. Mr. Michaud confirms that the Applicant estimated the trip generation characteristics of the use based current industry practices and trip rates. Mr. Michaud doesn't have any remaining comments as it relates to those aspects of the project. The traffic study indicated that, while there was a measurable impact at certain locations (i.e. the driveway itself, the Grove Street signal to the west, and the Grove and Liberty signal), those locations do not sustain any change in level of service as a result of the project. However, it's abundantly clear that there are constraints that already exist along the Grove Street corridor.

Mr. Michaud advises that the nature of their commentary is related to how this Applicant might proportionally contribute to a larger solution to the Grove Street corridor, and secondly what actions would be necessary to ensure that the driveway itself, which is the most impacted location, is operating appropriately and at its maximum capacity. The recommendation is a financial contribution that would allow or contribute to funds already provided by others to advance improvements at locations like Liberty Street signal, for instance or that could be used to advance a design of the corridor that's consistent with the regional planning authority corridor study that was recently completed for Grove Street. As the Board is aware, that corridor study identifies pedestrian-oriented improvements that are critically needed to get people off the road, if they are pedestrians or bicyclists, and onto appropriate infrastructure, and secondly to address capacity issues specifically at the two signalized locations. The Peer Reviewer believes that a proportional funding contribution will be appropriate and will be a meaningful way of advancing one or a combination of those improvements including the possibility that the town might pursue Mass Works grant funds for those types of improvements.

As it relates to parking, in that there might be a higher parking rate for research and development type use, the Peer Reviewer had questioned the ability for the site to appropriately accommodate potential peak parking demand. The Applicant has adjusted its program to bank about 144 parking spaces that provide flexibility.

Depending on 0.0.who tenants the buildings, they have the ability to increase the effective parking ratio, if necessary, to accommodate those higher generating uses.

Mr. Michaud advises that the Applicant's initial foray or plan is to provide just over 400 parking spaces that result in an effective parking ratio of about 1 ½ spaces per thousand square feet of building area. The Peer Reviewer believes that is appropriate, as a starting point, and they also concur that the additional banked parking spaces would be appropriate and consistent with potential higher generating uses. From a site circulation perspective, the Applicant has made changes to loading, access, design, and has prepared auto turn analyses that clearly indicate the ability for larger tractor trailer trucks to access and circulate within those rear building areas. The Peer Reviewer is satisfied that the site design achieves an appropriate standard for circulation, and as well as from a safety perspective, they have added certain notes and annotations on the plan set that would ensure that the sight lines at the driveway meet appropriate safety-based standards. Mr. Michaud explains that all this information is incorporated into the Staff Report, and he is available to answer questions.

Chairwoman Joyce thanks Mr. Michaud for the update, and she asks staff for an updated related to the drainage since we don't have our Stormwater Peer Review Consultant here this evening.

Director SantucciRozzi explain that we received Deb Keller's memo late last week, and the Director would quantify her comments as housekeeping items, indicating that none of these are major concerns. Mr. Skulte has already taken that memo and gone through it, and the plans that the Director handed out this evening outline the revisions that were needed based on the Peer Reviewer's comments. Ms. Keller didn't have any major concerns, and the few things she did note in the report are already on the plans that the Board has.

Chairwoman Joyce opens discussion to the public related to anything new or questions about the revisions to date. The Chairwoman provides a friendly reminder for speakers to state their name and address for the record.

Deanna Murphy, 77 Tommy Marks Way, thanks the Board Members that took the time to ask numerous questions at the last meeting, and she comments that she finally felt heard. Ms. Murphy would like to point out that the developer's response to many questions was "no". The residents were told numerous times that the buildings and loading docks would not be moved. She feels that the reason the developer adjusted their plans was that they are now just recognizing Weymouth wetlands and certified vernal pools on their plan. She discusses the nature of communities helping and supporting each other and that a town line should not sway the opinion of the Planning Board on whether this affects their community, Braintree resident or not. Ms. Murphy feels that the loading docks are still too close. Ms. Murphy has an eco-friendly business, and a green initiative is their number one priority. She feels the fact that a project of this magnitude cannot consider green initiatives or be mandated to do some is very disappointing. She notes that the developer said they could not do green initiatives on their roof because there would be no room, and she asks what exactly is going on that roof? She would assume all the equipment placed on the roof will be extremely load and/or expelling a huge amount of air pollution. Ms. Murphy has a question on privacy fence, which is clarified by referring to the plan.

As much as Ms. Murphy would love to see this permit denied, she does have questions about the operations and some requests if it is permitted. They request that the loading docks be moved away from residential houses. She discusses the health effects of diesel exhaust and living near heavy diesel truck exhaust. Ms. Murphy states approving this Special Permit will put her child and her family's health at risk, and she asks that the Planning Board please deny the Special Permit.

Ms. Murphy's request for restrictions, if the permit is approved, is removing the loading docks from the residential property side. She would like to know the location of trash and requests putting restrictions on the pickup time. She also mentions restrictions on 18-wheeler idling time for the morning and weekends. In the last Planning Board meeting that Ms. Murphy attended, Mr. Palmucci was asked by one of the Board Members what he would say to his district in Quincy if this was going in their backyard, and Mr. Palmucci stated he would not want this in his backyard either. Ms. Murphy has one last question for each Board Member, and she would like them to honestly think about it. Would you want this in your backyard?

Director SantucciRozzi states, as public comments are made, she wants to note there are quite a few conditions in the Draft Conditions related to Article XI, which is the environmental standards section of the ordinance that covers impacts from noise, light, sound, odors. The conditions in the Draft Conditions tie operational aspects to this section of the ordinance. The Director also wanted to point out that the privacy fence started at six feet went to ten feet and is now 15 feet high and can be compared to soundboard done on a highway. The Director explains they are trying to create an area on the site that has now been moved much further away from the residential homes. The combination of dense mature vegetation, additional landscaping on the disturbed sloped area, plus the 15-foot sound barrier creates an environment that doesn't allow for noise to penetrate the neighborhood. The Director explains that we have environmental standards, and while this property isn't in Braintree, it is a residential property, and we would treat the same as if it was a residential property in Braintree.

Director SantucciRozzi explains that the location of the loading docks has been shifted. There are conditions in the Draft Conditions. The Director explains the developer's intention for setting up the building with two loading docks in the event there are two tenants in the building. The conditions talk about if this is a single tenant this area not be constructed. address this area. There are elements in the conditions that address several components mentioned. The Director explains that there have been several meetings with staff, the developer and other town departments to address the issues that they have been hearing over and over again. The Director feels the Applicant has made quite a bit of revisions in this area.

Chairwoman Joyce asks about trash location and trash pickup schedule. The Chairwoman also asks if there is any sense for rooftop mechanicals. Mr. Skulte will touch upon trash. Issue. They did identify locations on the site as it relates to screened-in trash enclosures. All trash enclosures would be on a concrete slab; they would have some element of spill protection. From a visual perspective, they would be fully enclosed and screened. There is one location at the north end of Building B identified where there is a dumpster located, as well as the location in the southeast corner of Building A. The developer would work with tenants, as they are identified, to ensure that the trash storage locations would meet the demands or the needs that the individual tenants have. Mr. Skulte addresses the second question as it related to mechanical equipment, they did find space on the ground and propose areas where they would have potential generators as well as some of the equipment associated with this kind of use. They do have areas located at the ground level for those elements of the project. Regarding the rooftop areas, because they don't know who the specific tenant(s) will be at this time, it is difficult to commit to specific things like rain gardens or blue roofs. Ultimately, anything that would be up on the roof area would be screened appropriately and would be done in accordance with the current codes so that they meet all the environmental standards as well as the noise standards.

Chris Reale, Managing Partner of Banner Park Campus, would like to touch on a couple of things that were mentioned. He appreciates the comments and explains that the changes to Building B were made solely

because of commentary from Tommy Marks residents. Mr. Reale has three kids, and he understands the concerns that were raised. It was not because of any wetland issues. It was the right thing to do.

Mr. Reale explains that with development you must make some tough decisions. Mr. Reale explains that two things that were important to them was opportunities for a micro grid system and incorporating green technology as it becomes available. There are opportunities for canopy solar on the parking fields and throughout the rest of property, as well as some battery storage. Mr. Reale states it is approximately 20 acres on a 130-acre site, and they have taken great care to provide both the buffer to the residents and preserve 40 acres on the back of the property and build a walking trail. Mr. Reale states they have taken this very seriously; he understands the concerns. Mr. Reale expresses that this is a very light loading dock building for a building of this size. He saw a comparable building with 92 loading docks. They are significantly curtailing potential tenants for this type of building. This is manufacturing and light truck traffic. Chairwoman Joyce asks if they have the ability to restrict idling in the loading dock areas to help alleviate concerns, and how would this be done? Mr. Reale explains that this was discussed quite a bit with Director SantucciRozzi, and Braintree's bylaw for noise is quite restrictive in this area, and every tenant would need to abide by this. It is something the developer would need to clarify with tenants, and they already have clarified this with tenants. Mr. Reale states it is two-fold – it is compliance with the loading and unloading and noise in the existing Braintree bylaw, which the developer would have to put in a lease and restrict. The developer has committed to post occupancy monitoring.

Director SantucciRozzi explains that they have reviewed the bylaw, and the quiet hours are between 8PM and 7AM. We have had very clear dialogue with the Applicant regarding this. The Director has noted that she needs to add comments related to idling to the Conditions. The Director states that the dumpsters are not near this end of the building. Trash pickup is 7AM to 8PM Monday through Saturday, with no pickup on Sunday.

Dave Morgan, 40 Tommy Marks Way, is a concerned abutter, and he is requesting that there be a MEPA review that looks at the whole combined Mass General and Banner Park project in its entirety. He also suggests that the traffic impact be looked at, not only at the two nearest intersections, but also at Route 18, West Street, Pond Street and Forest Street. His definition of significant is different than the developer's definition. Mr. Morgan would like to see the building moved back more significantly and away from the residential neighborhoods, and/or split it up into two buildings, as they have 130 acres to work with. He wonders why the loading docks cannot be moved from the south side to the west side. One of Mr. Morgan's main concerns is the water runoff. When Mr. Morgan heard that the use was going to go from warehousing to research and development, he thinks that means less loading docks. He doesn't think they need 19 loading docks. Mr. Morgan feels the building is too big and too close. Mr. Morgan realizes something is going to go here, but he is not happy with the proximity to the neighbors and the size of the project, nor is he happy with the changes that have been made. As a former employee of Mass General/Brigham, he welcomes them as a neighbor only if they address the neighbor's concerns. He hopes that Mass General and Banner Park do the right thing.

Chairwoman Joyce states that the Applicant has mentioned they are undergoing a MEPA review, and she asks staff for insight or information on that. Director SantucciRozzi explains that Brigham has been approved and did go to MEPA process. The Director advises that we are not here tonight to talk about Brigham – that is a completely separate project on a completely different piece of property with a completely different owner. The Director's understanding, from discussions with Mr. Reale and Mr. Skulte, is that they have talked to MEPA about the filing, and MEPA has advised them that their project is a stand-alone project and that is how it will be

reviewed by MEPA. The Director advises that the idea of combining them and reviewing, respectfully is not the Director's call or the Planning Board's call. The Director confirms this with Mr. Skulte.

Mr. Skulte advises that they did have a pre-meeting with MEPA staff, and the developer asked that specific question. MEPA did concur because Brigham/Mass General had gone through that process and completed the process. Just because access was going through the property that didn't necessarily link them together. MEPA did agree that this project is separate, and they anticipated it would be viewed that way when the filing was submitted. Karlis Skulte explains that the first step in the process is the Environmental Justice Form, and that was submitted. All the technical materials would be submitted as the next step in that process, which would be the expanded ENF. Mr. Skulte explains that, because they have gone through such a robust review for traffic, stormwater, and wetlands, they believe all the information they have would be ready to submit once they hopefully complete the local permitting process. At that point, they would be ready to undergo their review with MEPA, which would include a state level review of all these same things.

Jeremiah Murphy, 77 Tommy Marks Way, thanks the Planning Board for listening at all the meetings. He notes the Planning Board's comments and suggestions to the developer were compassionate and empathetic to the residents' cause. He would also like to thank the Banner team for the concessions made; it seems that they have attempted to address all the residential concerns. Mr. Murphy feels the strategy was implemented through an inch-to-a-mile approach. Mr. Murphy notes that the changes to the loading docks does not mitigate light noise or the reality of tractor-trailers in their backyards. Mr. Murphy states the increased buffer zone is nice, although they would like to see more. Mr. Murphy feels this may have been due to a new wetland acknowledgement and not so much the attempt to accommodate the residents of Tommy Marks Way. Mr. Murphy is curious about the sound barrier fence, even though he truly believes it will not mitigate any light and noise. He is curious why it stops halfway across the rear lot. He is appreciative of the efforts and the changes, and he hopes we can continue down this road as we move forward. He feels there is still some work to be done. Mr. Murphy would like to point out what they just discovered related to the dumpster locations for Building B. Mr. Murphy assumes that, if there are two tenants needing their own loading docks, two tenants would also need their own trash location. Mr. Murphy wonders if there is another dumpster location on the far side near Tommy Marks Way in the works, or can they get by with one dumpster?

David Tower, 69 Tommy Marks Way, wants to touch on three things. First, regarding trails, he feels that the developer should donate the 40 acres of land to Braintree Conservation Commission and/or the New England Wildlife. Mr. Tower expresses that the developer says they are not going to develop it, but the Peer Review suggests the eventual use of the land. If the developer is committed to it, commit to it. Secondly, many of the issues brought up could be dealt with in a private meeting, which they offered to have. They have not had a meeting with Weymouth residents. The Weymouth Planning Director wanted to schedule it, and the developer said they would schedule it themselves. Mr. Tower states, when the developer stands in front of the Board and tells you they have had meetings with the residents, they haven't. Lastly, regarding traffic review, all Mr. Tower heard about was Braintree traffic. What about the Weymouth side? Where is the mitigation for that? Mr. Tower can guarantee that more than half of this traffic is going to go down Columbian Street to Weymouth and West Street to Route 18.

Kathy Swain, 134 Mill Street in Weymouth, is the sidewalk person, and she is still really confused. Ms. Swain heard the developer say there would be funding for sidewalks. They are talking about trails and riding your bike to the site, but she doesn't see any funds being dedicated to sidewalk. Ms. Swain notes that Braintree is undergoing a Master Plan, and she guarantees that one of the first items on the Master Plan is making Braintree a safe, walkable town. Certainly, in this corner of town, it is not safe, and it is not walkable. Now we

are adding 18-wheelers. Ms. Swain discusses that sidewalks need to be addressed and that Weymouth isn't getting mitigation.

Ms. Swain has concern regarding maintenance of the 15-foot fence related to weather damage or graffiti. She suggests including some order of conditions that the fence is maintained. She suggests adding arborvitae before the fence to make it difficult to get to and to protect the fence more. Ms. Swain's last comments are related to engines running. She understands there are ordinances, and she mentions that the street she lives on has a truck ban. Every morning, the trucks park, they drive down the street, and they are told not to do it. Ms. Swain recognizes that we might have an ordinance, but how is the ordinance enforced? Do the people have to keep calling? How do they get the trucks to stop idling? If you have a tenant that doesn't obey it, what happens?

Robert Luongo, Weymouth Planning Director, thanks the Planning Board for the considerations they have given Braintree residents. Mr. Luongo highlights two letters: one is dated July 25, 2022, from Miyares and Harrington, attorneys for the Town of Weymouth, which outlined Weymouth's concerns relative to the parking and the traffic issues. Attached to that letter is Weymouth's consulting peer review firm, Green International Affiliates', findings relative to the Traffic Impact Analysis. Mr. Luongo confirms that both documents are part of the record, and he they have concerns about the parking, depending on the uses that go into the structures. The other issue is the Traffic Impact Analysis. Mr. Luongo heard Braintree's Peer Review talk about the intersection of Grove and Columbian Street. Mr. Luongo didn't hear any mention of Columbian Street in Weymouth, Columbian Street at Forest Street, West Street, West Street at Commerce Way, West Street at Mill Street, West Street at Summer Street and most importantly West Street at Route 18. From the Braintree reports, 70% of the traffic is going to be coming through Weymouth to get to the site. Mr. Luongo appreciates the Board allowing Weymouth people to speak on this, but this is a project in Braintree that totally impacts Weymouth. Mr. Luongo mentions that they have expressed their concerns to Attorney Brian Palmucci, and Attorney Palmucci has stated verbally that they will have the developer's traffic consultants look at the issues identified in Green International's memo dated July 6, 2022, which talks about these other intersections and roadways in Weymouth. Mr. Luongo has nothing confirmed in writing from Attorney Palmucci, which concerns Mr. Luongo. Mr. Luongo states they are looking for a Traffic Impact Analysis of the streets and intersections that are outlined in the Green International memo. Mr. Luongo recognizes that people have been asking "What does Weymouth want?". Mr. Luongo expresses that they don't know what they want because they don't know what the impacts are. They have identified intersections, and they would like the developer to tell them what impacts are going to happen from this development at those locations. Once the Town of Weymouth understands that, then they can talk to the developer about mitigation. They don't want the developer to throw \$100,000, as they don't know what the solutions are going to be. Mr. Luongo doesn't think that is unreasonable. The second letter Mr. Luongo references is a letter dated August 8, 2022 addressed to Tori Kim at the MEPA office. While Mr. Luongo respects what the Planning Director has said about the Mass General/ Brigham, Weymouth feels this is a segmented project meaning both projects need to be looked at together. Mr. Luongo recognizes they will have that fight with MEPA, as MEPA should look at this in totality. If it is not looked at in totality, they at least feel that the Banner Park proposal needs to file an ENF (Environmental Notification Form). Mr. Luongo asked Attorney Palmucci if he was going to be informing MEPA, and Attorney Palmucci stated yes, he was, but he never said when he was. Mr. Luongo asked for a copy of correspondence, and they never received anything; therefore, Weymouth assumed that Attorney Palmucci wasn't notifying MEPA and that is why the August 8 letter to MEPA went out.

Mr. Luongo mentions that the developer was gracious enough to have a meeting with Weymouth residents at the Weymouth Town Hall, Tufts Library when the original proposal first came out. Attorney Palmucci was very

respectful at that meeting. The project changed, and they contacted Attorney Palmucci to state they would like to have a second meeting to explain the changes to the residents in Weymouth. Attorney Palmucci said they wanted to work with small groups with residents in Weymouth to explain the project, but this never happened.

Mr. Luongo is a little upset about that. They have only had one meeting in the Mayor's office, and they asked to have a second meeting, but Attorney Palmucci expressed that it was not necessary to have a meeting, as he would be addressing the traffic impact analysis on more roadways in Weymouth. Mr. Luongo expresses that they are very suspicious. They need to see things in writing. Mr. Luongo acknowledges that the Braintree Planning Board is a great board; they are protecting the interest of Braintree, and you are trying to protect interest in Weymouth. Mr. Luongo explains that his job, as the Planning Director, is to make sure Weymouth is satisfied with any mitigation that can happen with Banner Park, and as Braintree will do what it sees fit to make sure this project passes, Weymouth will make sure that its interests are protected one way or another. They have spent considerable money on consultants for this, and if they don't have meaningful dialogue with the developer, they will meet someday, somewhere.

Chris Reale, Banner Park Campus, wants to address a few things. Mr. Reale acknowledges that Mr. Luongo has been a great advocate for the Town of Weymouth, as has Mayor Hedlund. Mr. Reale doesn't understand the vague threats at the end and the accusations about them not meeting. Mr. Reale does want to say they have filed for MEPA. That is a process. Mr. Reale doesn't know what the Town of Weymouth's participation was when Brigham went through their own MEPA process. There is considerable traffic associated with the Brigham/Mass General project. Mr. Reale states that Banner Park's traffic report has all that traffic as background. Mr. Reale acknowledges that he is not a MEPA expert, and he is not sure the difference between looking at traffic together or separate. Mr. Reale doesn't know what Mass General/Brigham's plan is; they acquired the site a year ago. Mr. Reale expresses that the Banner Park team looks forward to working with Weymouth through the MEPA process or otherwise. Mr. Reale believes that the Planning Board and the Director and her team have treated the Tommy Mark's neighborhood and the Town of Weymouth the same way they would treat a Braintree neighborhood. Mr. Reale acknowledges that this is not the end of the process for the developer. Mr. Reale appreciates the diligence, time, and money that the Town of Weymouth has spent, and he hopes that they can work to a resolution because this is great regional economic development that benefits everybody.

Yen May, 80 Tommy Marks Way, wanted to add a comment about the loading docks toward Tommy Marks Way. When the developers proposed the need of having both left and right-side loading docks for each tenant, she doesn't understand why the planning layout cannot switch to top/bottom tenants and share the loading docks and dumpster all on one side, which would be better for residents of Tommy Marks Way. Ms. May wonders if there was any feedback on the impact to traffic related to the Weymouth public school system. She is concerned with kids, during the winter months, when they must wait longer than usual for buses. If there is more traffic due to the project, this would impact student wait time. This is a huge concern for Ms. May. Chairwoman Joyce asks the Applicant what the standard at which vehicle traffic from this development is monitored against school time traffic.

Andrew Arsenault, Traffic Consultant from Vanasse & Associates, is willing to do any kind of monitoring post-occupancy. Chairwoman Joyce asks if there are any metrics we should target. Mr. Michaud's recommendation would be stretching the peak hours. Chairwoman Joyce assumes that post-occupancy monitoring is a straightforward process with certain metrics that Mr. Arsenault would be looking for; she asks if there are any metrics that we should add that would specifically target school traffic impact.

Mr. Arsenault's only recommendation would be stretching the afternoon peak hour earlier to 3:00 PM to capture the going home. He advises that you already capture the morning school bus activity in the 7:00AM to 9:00AM peak timeframe. You will be able to see pre and post what the delays were on those specific approaches. Chairwoman Joyce confirms this could be added to the conditions. Director SantucciRozzi has already expanded peak hours; she explains they are 6:00AM to 9:00AM and 3:00PM to 7:00PM.

Carol Murphy, 77 Tommy Marks Way, expresses that the plans do not mitigate all the concerns of the neighbors. She expresses that there is still a potential to pollute a natural waterway that goes against Braintree's bylaws and the threat of flooding properties on Tommy Marks Way remains. The issue of a potential walking trail to be established in the buffer zone has not been resolved. Strangers walking close to residential backyards infringes on neighbor's right to privacy and impacts on their safety. She is very happy to hear that the fence is being increased to 15 feet, and she expresses that up until now they had been told that it was a wooden fence, but from the information that was provided this evening she believes it will be a barrier fence like one found along the highway. Chairwoman Joyce explains that there was discussion this evening related to a sound-attenuating fence. Director SantucciRozzi reads the condition related to the fence, which expresses that said fence will serve as a visual and audio screen and buffer. Mrs. Murphy asks about whether the fence will extend across the parking lot around Building B. This is clarified on the plan by Karlis Skulte. Mrs. Murphy confirms that visually the parking lot would be blocked, and she asks about the area in the middle of the building. He explains that they are not planning to have the fence in the area near the middle of the building because there is nothing to really buffer or screen. Mrs. Murphy feels that neighbors would still be able to see the building, particularly in fall, winter and spring, and fencing should continue all the way around the building. Mrs. Murphy states that the noise factor from air filtration has never really been addressed, and if the Applicant is talking about a larger Building A, that will increase noise due to the larger building. Mrs. Murphy states that air quality is still a question, which has been brought up several times. They have asked repeatedly that the loading docks be moved, and they have been repeatedly told that could not be done. It is a major issue for the neighborhood and needs to be given serious consideration. Mrs. Murphy summarizes her attendance at Planning Board meetings over the spring and summer, and she comments on the incredible attention that the Planning Board pays to detail. Mrs. Murphy hopes the Board is as concerned about air quality, noise pollution, the tremendous impact on traffic, the impact on the privacy of residents, the potential flooding of homes, the potential pollution of a natural waterway, and the impact on the value of homes in this area. Mrs. Murphy hopes the Planning Board will do their due diligence when it comes to this huge project and its impact on Braintree and Weymouth for the residents are the ones that live here, not the developers.

There are no further questions from the public.

Chairwoman Joyce explains that we have a Staff Report that contains draft conditions, which we have been discussing and modifying this evening. The Chairwoman would like to open discussion up to comments and questions from Board Members to deliberate. The Chairwoman asks for the Director SantucciRozzi to provide an overview of the Staff Report and the draft conditions. The Director explains that there are 32 pages of Conditions. She has been taking diligent notes and having very constructive discussions with the Applicant's team. As with all Staff Reports, we have the listing of all the record documents, as well as our Peer Review Reports. In the Staff Report Section, all items that have been raised by the staff have been addressed by the Applicant. Several items are conditioned. Regarding the Findings, extensive Findings have been prepared for review and consideration by the Board. Those are the Special Permit criteria in Section 135-503(i) of the Zoning Bylaw. The parking has been looked at in extreme detail, and the Director details how this review was done. In looking at a number of scenarios, the parking requirement varies from about 363 to 424 spaces. As noted on the plans, they are constructing 415 spaces and putting 144 in reserve or 556 spaces available.

The parking has been adequately addressed. The Director reviews the third section, which relates to public and private water supply and drainage methods. The Director explains we also have discussed the water distribution to the site, and we have received comments from both the Water Department and the Sewer Department. This is addressed in the draft conditions. The Director then discusses environmental standards, which deal with offsite impacts from glare, noise, vibration, heat, smoke, and odor. The Director worked with Mr. Skulte on revisions with the lighting plan that pull impacts back from the property line. The Director explains that there are about 40 acres of buffering on this site with substantial vegetation. The Director details how the conditions are broken down and how feedback is included from other departments. Included in the conditions are: drainage and erosion controls, parking circulation and access, transportation including record documents, mitigation packages, TDM measures, traffic monitoring, inclusion of funds for additional engineering review, requirement to go to MEPA to obtain Section 61 findings, landscaping, construction of trails, public dog park and 22 parking spaces permanently maintained by Applicant, construction operational conditions, and ongoing operational conditions. There are about 84 conditions and 10 pages of findings. Staff has spent a lot of time reviewing this, double checking this and making lists. The Director has taken notes regarding adding the 7:00AM to 8:00PM hours on the trash, as well as adding an idling condition, which has been used in the past. Staff has presented these conditions to the Applicant, and the Director has been able to meet with the Applicant to review these draft conditions. The Director expresses that this is an extensive document and hopefully it is satisfactory to Board Members.

Member Mikami is happy to hear there has been some modifications, more mitigation and rethinking of loading docks and building size. He appreciates that, and it helps the process. Member Mikami asks if there are any potential clients that have expressed an interest in this property. Chris Reale states it is difficult to market an unpermitted project. These larger buildings, like the building that Hilco did which is now fully leased, are hard to come by and specifically designed for those type of tenants. The types of groups that would take a building of this size are more established – so probably public biotech companies. Once hopefully this gets approved and they get through MEPA and through issues with Weymouth, their expectations are they will have this leased before they are under construction. Member Mikami is getting the impression that this could be a single tenant use. Mr. Reale states the goal is to always get a single tenant, and he discusses uses for different sized spaces. Member Mikami refers to the possibility of a smaller tenant moving in and reducing some aspects of the building. Director SantucciRozzi refers to Condition 41 and explains if the developer gets a single tenant. Member Mikami thinks that is an excellent addition and is reflective of what the Planning Board is trying to do, which is to protect everybody in this environment. Member Mikami refers to the 40 acres being donated to Braintree. Mr. Reale refers to a condition that prior to any work being done on this property, the developer enters into an agreement that has a conservation restriction and has the land. Prior to any occupancy and a Building Permit, there will be an agreement in place. Mr. Reale explains they have entered into an agreement with New England Wildlife Center. They would have a seat at the table and help build and maintain the trails in the open space. The folks that run that group know that area, and they would be a great advocate. In the Applicant's meetings with the Conservation Commission, it was whether they worked through a Land Trust or directly with the Conservation Commission. Mr. Reale states it is not their desire to chip away at this property over the years; they are comfortable with this and think it's a responsible use of the land. Member Mikami asks about parking spaces related to traffic monitoring, what will the benchmark be in terms of number of vehicles per day. Director SantucciRozzi states there are two separate things: the parking and traffic monitoring, which are two very distinct and separate things. The concern about not enough parking has been handled with the reserve. There are 144 spots in reserve if there is a need for additional parking.

The traffic study in the update that was done on May 17 has quantified 50,000 +/- square feet out of the development program to research facility/R&D. They have run the numbers on that, and they have presented those vehicle trips both daily and peak hour. They have built it into the build and no build level of service analysis. The Director explains that on the traffic side, we will get an almost identical report, but it will be a real-time report instead of saying estimates. It will be actual monitoring derived from real counts. Then, there will be a comparison of what has been approved to what is happening. Mr. Michaud has advised to look for a 10% difference. Member Mikami asks what the benchmark number would be. The Director advises that the May 17th report talks about a daily volume of 1774 trips, a weekday morning peak of 214 trips, and a weekday evening peak of 243 trips.

Member Kroha asks the Weymouth Planning Director Luongo a question related to post monitoring. She notes that in the bylaw we have this inter-municipal section that would provide an avenue to require mitigation on adjacent towns when the project affects them. Member Kroha was wondering if Weymouth had adopted that, and if so, whether the ability for Braintree to go back and require an additional amount of mitigation if there is more than a 10% difference in what is being presented here. Member Kroha wonders if that provides Weymouth any comfort or does Mr. Luongo have any thoughts on that. Mr. Luongo wonders if the Board can go back and amend conditions on a Special Permit if the monitoring if the monitoring shows increase. He assumes the monitoring is going to include West Street. The Director explains that the monitoring is of the same intersections that are studied in the reports. Mr. Luongo's question is are they monitoring Weymouth roadways to assess the impacts. Mr. Luongo's concern is that 70% of the traffic is going to enter and exit through Weymouth. The Director confirms that they can go back, and they can require additional mitigation, but what is going to be monitored is what was studied, and West Street and Route 18 are not in the study. Member Kroha notes that the map has turning for how many vehicle trips are planning to go down West Street into Weymouth and go down Columbian. The Forest Street intersection is included. Member Kroha thinks there is an argument. Mr. Luongo expresses that they don't want to stop the project. It will be good for Braintree and for Weymouth in some respects for employment opportunities. Mr. Luongo wants us to try to mitigate these serious impacts. Mr. Luongo states the Town of Weymouth has had a cooperative relationship with the Town of Braintree, but they are a little bit frustrated regarding the developer. Mr. Luongo doesn't know how to address this unless it is added to the conditions. Member Kroha states that proposed Condition 50 states if the 10% is reached then the Special Permit Board can require additional traffic mitigation. It's not set on any particular area, although it would seem likely that we would focus on Braintree. Mr. Luongo states if they can come to agreement with the developer, after the Planning Board makes their decision, he is assuming tonight, they are willing to sit down with the developer to understand what the issues are going to be. Chairwoman Joyce adds that the MEPA review will likely have comments that need to be addressed, and Condition 52 references the Environmental Impact Report with MassDOT. There will be additional review and commentary on that. There are lots of eyes working on this. Chairwoman Joyce appreciates the Town of Weymouth's concerns and the issues that were brought to the Board's attention this evening.

Member Grove states, since there are going to be additional reviews, he is not sure what the rush is. He suggests we wait for other reviews to come through and find out what they have to say. Member Grove has been opposed to the location of loading dock on the southerly side, and he asks if they can be relocated to the westerly side of the building. The building itself will provide protection from the lighting and the noise, and you won't be creating an unattractive nuisance with a 15-foot fence that will require maintenance on the other side.

Chairwoman Joyce asks if the Applicant can confirm there is not the option to consider moving the loading dock. Karlis Skulte explains they did look at a number of modifications as they were developing the revised plans in front of the Board today. They did look at loading docks on the westerly side of the building.

Some of the limitations that they looked at and had to work around are providing the setbacks to the wetlands along the westerly and southerly edge of the roadway. Ultimately, to be able to park a truck up against the building, you also need roughly double that space for the maneuvering to be able to back up and get into it. There isn't the space available along that side of the building. Ultimately, both ends of the building work best both for an internal circulation as well as being able to provide access up against the building.

Member Kent was wondering if there was room to shift the building north and move it further away from Tommy Marks Way. Mr. Skulte states that was also one of the elements that they looked at, and he explains there is a wetland on the northern side, as well. This is why they reduced the size of Building B. Any shift further would bring them too close to the Mass General/Brigham property line, and it would impact their ability to have efficient parking in that location. There are several factors that limit them from being able to have an efficient design by shifting the building further north in that area. Member Kent observes that it looks like there is room to move it a little bit – about 50 feet, and there are no abutters along that piece on the north at the end. Mr. Skulte states it doesn't work with the angle of that property line. It makes it challenging to have good circulation in that area.

Director SantucciRozzi highlights the location of the extra parking, if needed. Mr. Skulte states, to the Director's point, that is the reserve area for parking.

Member Connolly feels the residential impacts of the project have started to be addressed. One of the things that Member Connolly hears from the residents is the uncertainty of what this will look like. She asks if a rendering from Tommy Marks could be provided to give the residents a better sense of what this fencing will look like and what the landscape would look like. Mr. Skulte did provide cross-sections, both running north/south along the building, as well as east/west. It is contained in the packet. Member Connolly ask for a more realistic presentation of it. Mr. Skulte states the renderings showed trees, as it was challenging to show the building without having a top-down aerial view because of the natural buffering that's going to be there. Member Connolly states, as far as the transportation impacts, the two communities are very much interconnected and she thinks that we do need to have a better understanding of specifically Columbian at Forest Main at West because those impacts are in Weymouth, but they are going to spill over to Braintree, as well. They will be felt on both sides, and Member Connolly doesn't think that has been addressed. It came up in the Peer Review from Green International. Member Connolly asks the Applicant to speak a little more towards that.

Andrew Arsenault, Traffic Consultant – Vanasse & Associates, provides a quick rundown on how they developed their study area. One of the things they looked at was what Mass General/Brigham's impacts would be, and those were the four that were included as their starting point. Mr. Arsenault states that, if we want to go further, it is certainly something he can discuss down the road with the town staff and the developer. Member Connolly thinks that the intersection at Forest will have an impact because it is closer, and then because of the traffic coming off Route 3 and the use of Route 18 impacts will be felt on both sides by both communities. Because there are so many people that go from Braintree to Weymouth and Weymouth to Braintree, those do need to be looked at. Member Arsenault states "understood". Member Connolly mentions one of the other points that a resident brought up tonight was about the trails, and she wouldn't want there to be any additional burden on the residents, specifically of Tommy Marks, due to the trails and having people closer to their homes that were never there before. Member Connolly thinks the trails are an important thing that the developer is doing, but their location is important, as is making sure we don't put any additional burden on those residents.

Chairwoman Joyce has a follow-up question and point of clarification, related to the scope of the traffic study. There is something related to MEPA and MassDOT, as noted in Condition 52. Chairwoman Joyce is asking for an overview of appropriateness of evaluation of intersections in both Braintree and Weymouth for what has been studied to date. When you are looking at a project that is near a town line, and the application is in Braintree, what is the typical evaluation outside of Braintree limits into neighboring communities and how does that play into the role of the Town of Braintree? How is that all evaluated? Is that something the Applicant's engineer or the Town of Braintree's Peer Review Engineer can help us with? Andrew Arsenault states, when he scopes a project, he looks at where the impacts are going to be. Under the initial development that they were originally looking at back in February, that did include those four intersections. One of the guidelines for MassDOT is anything that's going to generate a hundred additional trips at the intersection or result in a 5% increase. That was captured with their initial study area. With the new development, there were a couple more that we may be directed to look at during the MEPA process. It is a guideline for MassDOT; it is not a "set in stone" law. Mr. Arsenault explains that during the MEPA process they will look at the scope and review it on their end. Mr. Michaud, Braintree's Peer Review Engineer, states the very first question in Peer Review was whether the project would be subject to MEPA, and the reason they ask that was for the exact reason the Board is asking. To what extent would a project have impacts in adjoining communities and how would those impacts be accounted for? That is why MEPA exists. Mr. Michaud states, as Mr. Arsenault had pointed out, typical protocol in establishing a study area would be the level of traffic increase on a proportional basis to area intersections. Mr. Michaud states the 5% rule that Mr. Arsenault mentioned is typically the rule that is applied whether they are Braintree locations or Weymouth locations. Mr. Michaud is pleased that the project will be going through MEPA because it is appropriate. There are other gateway locations, particularly along West Street, that might be affected by the project that are really beyond the technical purview of the Town of Braintree. Mr. Michaud advises that MEPA provides the forum for multiple commenters on the impacts of a project, and they will be a direct benefit to the Weymouth because of that process. Ultimately, even some of the mitigation actions that have been identified within Braintree will still be subject to MassDOT review and approval through that same process. There are overlapping interests here that are all encapsulated within the MEPA process.

Director SantucciRozzi asks the Weymouth Planning Director, Mr. Luongo, if West Street is under state jurisdiction. Mr. Luongo explains that West Street is a town street.

Chairwoman Joyce explains that she doesn't have too many additional comments. She states the changes that have been made on the southside of the building, eliminating some square footage, the hopeful possibility that one tenant would be in that building and we would not need the loading docks on the southside is a good add. Preserving more of the natural buffer on the south side for the abutting neighborhood is also a good modification. It is always a struggle when you own property behind vacant land, and as a board member, who is also a registered professional civil engineer in the State of Massachusetts working on projects like this, there is a lot to balance. She takes a decision on a project like this and her role as a chairman of this Board very seriously. She and the whole Board tries their best to balance all the things – the Town's requirements against the developer's rights to hopefully have a successful project that can be good for all communities. Chairwoman Joyce thinks the draft conditions address some of the concerns. She thinks the MEPA process and the other permitting process will be able to do a broader review regionally. One comment that the Chairwoman wanted to make specifically on a condition, one of the residents made regarding the monitoring during school times. That was Condition 48, and the Chairwoman thinks the afternoon monitoring started at 3:00 PM. The Chairwoman thinks it should start at 2:00 PM or 2:30 PM as some school traffic starts sooner than 3:00 PM. It does note that it would be conducted on a Tuesday and Thursday. We should add those would not be during a holiday week or a time when school would be out of session.

Chairwoman Joyce points out that this notes a six-month monitoring, but she thinks in the Peer Review it was a six-month and one-year monitoring. She wants to make sure the Applicant has agreed to this. Mr. Michaud states they had suggested that monitoring occur within six months of occupying the building, and it is not uncommon to have a second monitoring period once the building and the operation has matured. Mr. Michaud explains that, as the project is undergoing MEPA review, the state through the Mass DOT through the Section 61 finding process will obligate monitoring to occur for a longer period, actually – up to five years.

The Director confirms that is at six months and then 18 months; she also confirms that the 3:00 PM monitoring will be change to 2:00 PM, we will note monitoring at 6 months and 18 months, and we will add industry standard specifics around monitoring during normal school scheduled time.

Chairwoman Joyce has no further comments and states we have talked about a lot of material, and we have draft conditions. Chairwoman Joyce provides Planning Board Members the options for making a motion.

Member Kroha **MOTIONS** to close the public hearing; seconded by Member Mikami; voted 4:1:0. (Member Grove opposed.) Chairwoman Joyce confirmed that voting members for this matter are Member Kroha, Member Mikami, Member Grove, Member Kent, and Chairwoman Joyce. Member Connolly is participating as an alternate member.

Member Kroha **MOTIONS** to enter correspondence through August 9, 2022 into record; seconded by Member Mikami; voted 4:1:0. (Member Grove opposed.)

Member Kroha wanted to mention that she does appreciate everybody coming out and providing the feedback. She thinks that it produced a better project and more consideration with the fence and the trees. She understands the frustration with this happening next to the neighborhood where there hasn't been a development in a long time. She is looking at the Application and the Planning Board's responsibility under the zoning ordinance. She explains that the Planning Board is required to look at what the ordinance prohibits, allows, and requires. In this case, there is only a 30-foot setback required to the property line, and we have 108 feet, and we've had a lot of consideration given. The Planning Board does have a responsibility both to the community but also to the applicants and owners of properties to look at a proposed project under the ordinance. Member Kroha thinks that the developer has done a good job of going beyond what the ordinance requires in presenting their application. For that reason, she is going to make a motion to approve the project under the conditions drafted.

Member Kroha **MOTIONS** to approve the Special Permit/Site Plan Review for Planning Board File #22-03, at 60 Columbian Street, with draft conditions and three modifications discussed tonight related to the idling, the trash, and the monitoring periods; seconded by Member Mikami. voted 4:1:0. (Member Grove opposed.)

Chairwoman Joyce suggests that the Applicant follow-up with staff regarding the next steps.

Member Grove would like to make a motion to ask the Town Solicitor to come to our next Planning Board Meeting to discuss terms of office. The reason for this is because Member Grove questions the unlimited membership of Planning Board Members. What brings Member Grove to this is under Chapter 189 of 2005, which created the Charter. Under Section 1-4 it refers to "the powers of the Town subject only to the express limitations on the exercise of any power or function by a municipal government in the Constitution or general laws of the Commonwealth. It is the intention and purpose of the voters of Braintree through the adoption of

the Charter to secure from themselves and their government all the powers possible.” Chairwoman Joyce asks if this is specifically relevant to the motion the Board just acted on or is this something we can do after the public hearings. Member Grove reads an excerpt from the Town Charter. Section 81A, related to the establishment of a Planning Board: and concludes that “member of the Planning Board under this section shall be elected or appointed for terms of such length and so arrange that the term of at least one member will expire each year and their successors shall be elected or appointed for terms of three or five years, each as determined by the City Council in the case of a city and by Town Meeting in the case of a town.” Member Grove states the motion is to have the Town Solicitor at the next meeting to discuss this and see if we are functioning properly. Chairwoman Joyce doesn’t know if we need a motion to ask that question of the solicitor, but it sounds like the comments are related to Planning Board terms, appointments, and the Town Charter. Chairwoman Joyce suggests that we ask for some clarification through staff with the Town Solicitor and put it on the agenda. Director SantucciRozzi states this has been previously discussed and already vetted with Member Grove, but she will discuss this and report back to the Planning Board. Chairwoman Joyce asks what sort of timeframe would be needed, and Director SantucciRozzi states she would need to default to the Town Solicitor.

Chairwoman Joyce asks for a short break prior to the next public hearing.

CONTINUED PUBLIC HEARING: SPECIAL PERMIT/SITE PLAN REVIEW (File #22-05)
25 Commercial Street – Landing Apartments LLC, Applicant
9:58 PM – Five Planning Board Members are participating.

Appearing for the Applicant:

Frank Marinelli, Attorney

Josh Katzen, Landing Apartments LLC-Principal

Christie D’Andrea, VUCC

Tom Lehmann, VUCC-Director of Communications

Chairwoman Joyce asks for an update since our last meeting from Attorney Marinelli.

Attorney Frank Marinelli, representing Landing Apartments LLC, introduces the Applicant team. Dr. D’Andrea gave a presentation on June 14 of her business, Veterinary Urgent Care Centers (VUCC). Attorney Marinelli explains that the Veterinary Care Centers are operated in Plymouth, Quincy, and Easton. There is 3000 square feet at issue tonight, and they are seeking the Special Permit. They presented the last time that Decision 15-11 of the Planning Board was the approval of the 172-unit, 11,486 square feet of commercial space in a mixed-use transit-oriented development. As a result of that approval, 172 units were built. They were promptly occupied, and as the Board knows, the almost 12,000 square feet of commercial space has taken some five-years to finally gradually be occupied. Attorney Marinelli explains they have the Leasing Office, Keller Williams, and Rivershed Restaurant. This remaining 3000 square feet could be occupied “by right” by retail, which would be a more intense use. The Traffic Reports introduced into record show that. The use by the veterinary care clinic would be less vehicle trips, less parking demand and a less intense use than the retail use.

We all have an interest in seeing the remaining 3000 square feet be occupied. It is not good to have unoccupied, vacant commercial space, particularly brand-new space. Dr. D’Andrea will develop, in accordance with the floor plan that they have submitted. They have been working to create some surplus parking spaces. There is a 198-car garage, and they have 172 units. They also have a 48-space surface lot owned by Landing Apartments. When you take into consideration the spaces needed by the commercial properties (Rivershed =

14 spaces; Keller Williams = 5 spaces; VUCC = 12 spaces), that is 31 spaces accounted for with 17 surplus spaces. Attorney Marinelli explains that they don't believe (except maybe on a Saturday night) there has been any demonstrable issue with the property the Applicant owns. If there are any generic parking concerns in the area, there are hundreds of vacant MBTA spaces. They have documented that with photos from November, January, and April. Attorney Marinelli explains they have addressed what the staff had requested in terms of the parking. They freed up six additional spaces in the surface lot, as Keller Williams and Landing moved inside to the garage. They made sure there are no dumpsters in the municipal lot. They have supplied photographic evidence of that. They have reviewed all draft conditions presented for tonight's meeting. They are acceptable to the Applicant. The Applicant team is happy to answer any questions.

Chairwoman Joyce asks the Director to provide a summary of the Staff Report and progress made since the last meeting.

Director SantucciRozzi explains she met with Attorney Marinelli several times since the last meeting to review and drill down on the parking options. The 15-minute spot was added in the back, as suggested by Member Kroha. They have created an expanded trash area. They cleaned up areas in the parking lot. They were able to augment Keller Williams spaces. The Director thinks it is a nice opportunity to open up some surface spaces. The Draft Conditions are pretty basic. Most of the stuff ties back to the Site Plan Review for 15-11 for the development itself. Anything that needed to be separate out has been done so in the conditions. We have an updated parking plan. She will be making some recommendations on additional landscaping and plantings when we close out the project. The Director states that we have the updated parking table and trip generation memo. Dr. D'Andrea has provided an updated memo on operations. The Rivershed sign is up. The Director reviews recent issues with signage and explains they will have some uniformity in signage, and it will provide some cohesiveness. All the operating stuff and general conditions about drainage is captured in the original decision, which has not yet been closed out. Director SantucciRozzi highlights some of the conditions and states the conditions are straight-forward.

Chairwoman Joyce reminds that this is an open public hearing, and anybody from the public should feel free to come up to make a comment.

Member Mikami states this is a vast improvement, and he appreciates the Applicant's efforts in conjunction with staff. Member Mikami asks about parking spaces and whether they will be marked, and Attorney Marinelli explains that it is pretty much non-exclusive; he advises that they freed up six spaces for the general public. There are 17 spaces available beyond what is needed for zoning. Member Mikami assumes because the development has a high occupancy that the garage is pretty full. Member Mikami comments that he likes the sign – it is very clever.

Member Kroha is happy to see the parking spaces moved. Otherwise, it looks good and is a good use for Braintree. Attorney Marinelli states it was a good suggestion that Member Kroha had on the drop-off space.

Member Grove has no comments or questions.

Member Kent has no comments or questions.

Member Connolly states she also appreciated the signage package, and she thought that it made an important distinction for people that this was veterinary urgent care so there would be no confusion there.

Chairwoman Joyce had a question for staff related to any further requirements of this development. The Director explains that the Applicant hasn't gotten As-Built approval yet. Mr. Katzen was waiting on landscaping until the Town of Weymouth completed their project. She advises that the Applicant did the traffic monitoring, and it is 45-50% below what the projections were. The Director thinks people are likely using other methods to get to and from work, but they still have that vehicle for when they get home. The Director feels that traffic volume is not a concern; however, staff will continue to keep an eye on parking as VUCC gets up and operating. The Director did include the provision for VUCC's employees and employees of Landing 53 to use the MBTA parking if that is needed at their cost.

Chairwoman Joyce had an unrelated concern with Condition 38, which does note that: "Every night prior to the close of business the Applicant shall inspect the exterior portions of the property and remove animal waste that was deposited outside". The Chairwoman knows that with VUCC's use the residents are allowed animals, and she didn't really know if there was previously a condition related to animal waste. She has noticed grass that has been burned out by animal use and suggests that it may be an unnecessary burden to put that complete removable on the Applicant every day. However, the Chairperson does think the development as a whole should try to address that. The Director clarifies that the applicant is the property owner or Landing Apartments LLC. This is something that Mr. Katzen will assume responsibility for or share with the business owner.

Dr. D'Andrea explains that it is a common issue that they have addressed at other locations. Depending on the landlord, they have addressed it several different ways. They have changed the landscaping to make it pet friendly. They have used things like pea gravel. The only reason Dr. D'Andrea brings it up is because they have solutions to these. Dr. D'Andrea explains they can come up with ideas and are happy to partner with Mr. Katzen to get this done. Chairwoman Joyce states she doesn't think it is a function of VUCC's use; it's a function of how many residents have pets. It is very noticeable when you are walking around the back area. Dr. D'Andrea states using pea gravel or different types of landscaping is something that they have done in the past, and it has worked well. The Director clarifies that there is synthetic grass, and she asks Mr. Katzen what has happened to the actual grass in the back of the building. Mr. Katzen clarifies that some of it has suffered from animal waste from time-to-time, and they have replaced some. Mr. Katzen thinks the best thing for them to do going forward is to consult with Dr. D'Andrea on some of the possible remedies, and they will take care of putting them in – maybe a different kind of grass or different kind of gravel. Mr. Katzen acknowledges that there has been some damage and they have to stay on top of that. Staff will do a site visit and follow-up with the Applicant. Chairwoman Joyce confirms that the Applicant agrees with the conditions. Attorney Marinelli confirms that they have read the conditions and agree to them.

Member Connolly asks, when the project was originally permitted, was screening considered for the materials on the roof. When you are coming into The Landing, you can see all the HVAC and other units on the roof. Director SantucciRozzi states, for the record, she did not do the initial review on this project, and she had asked the prior Director about that. The Director states there is probably something that they can do about it. There are a lot of techniques she has seen used to try to screen that. Member Connolly asks if the Keller Williams sign is a temporary sign. Director SantucciRozzi confirms that it is, and states the actual sign will be the same style as the VUCC sign.

Chairwoman Joyce confirms that there is no one from the public wishing to speak on this Application. Seeing no one, she looks for a motion to close the public hearing and to enter correspondence.

Member Kroha **MOTIONS** to close the public hearing: seconded by Member Mikami; voted 5:0:0.

Member Grove **MOTIONS** to enter correspondence through August 9, 2022 into record; seconded by Member Mikami; voted 5:0:0.

Member Kroha **MOTIONS** to grant the Special Permit and Site Plan Review for File #22-05, 25 Commercial Street, with conditions as drafted; seconded by Member Grove; voted 5:0:0.

CONTINUED PUBLIC HEARING: GRADING PERMIT (File #22-06)
1070 Liberty Street, Joseph Hannon of Atlantic Coast Engineering, Applicant
10:20 PM – Five Planning Board Members are participating.

Appearing for the Applicant:
Jed Hannon, Atlantic Coast Engineering

Jed Hannon, Registered Engineer – Atlantic Coast Engineering, provides an introductory background and a little history. Then he will go over the Site Plan and open discussion up to questions. Mr. Hannon's organization got a call from the owners of the property after their retaining wall project was shut down. The project entails cuts and fills greater than two feet, and it was for a proposed retaining wall approximately 3.7 feet in height. He was brought in late, and there was a discovery phase of asking a lot of questions. They are seeking an "after the fact" grading permit. The owner wasn't aware of the bylaw.

To provide a history of the property, there were several old trees and brush that surrounded the property. There was moss on the roof. Some of the old trees had fallen. From hearing and seeing these pictures, Mr. Hannon doesn't think the tree removal was done egregiously. It is really two separate issues. One issue is the cuts and fills associated with the retaining wall and the grading. The other issue is related to several old trees and brush being removed because of safety concerns for both the house, the garage, and the roof, which are depicted in pictures that Mr. Hannon is happy to share. They have completed the site survey and the design of the retaining wall; they have addressed a first round of comments from Planning Staff. There are a couple of remaining items that need to be addressed. The owner did say prior to cutting anything, they did reach out to DPW and the Building Department on any regulations associated with cutting. Mr. Hannon states that someone came out to the house and said what the owners were planning to do was totally reasonable. What the owners didn't do was to contact the Planning Board to see if there were any regulations associated with it, which they readily admitted. That is the broad history. Mr. Hannon states they can make all the minor updates that are left. One question Mr. Hannon had for staff and the Board is regarding a potential revegetation plan under Section 125-1201 and what is required and whether that is mandatory. Mr. Hannon explains that he doesn't think the property owners egregiously clear-cut their lot. Mr. Hannon shares pictures for reference and a letter from a neighbor. The essence of the letter is supporting what the owners of the property did in terms of clearing up the property. It had a lot of overgrowth, and the previous owner didn't really take care of it. The property does look a lot cleaner. The "after the fact" grading permit is what is it, as the owners were not aware of the bylaw. The owners are looking for relief on the requirement for a revegetation plan, which Mr. Hannon thinks is a reasonable request.

Chairwoman Joyce asks the Assistant Director, Connor Murphy, to review the Staff Report and provide an update. Mr. Murphy explains that they issued the first set of comments for the July meeting, and as a result the Applicant asked to continue the matter without testimony. The Applicant submitted revised plans in late July in support of this application. There are a couple of items that are not satisfied based on the original Staff Report. Staff is seeking that the Applicant revise the plan for the Appropriate datum used. In addition, we are seeking that they install erosion and sediment controls around the disturbed area in the rear. Staff is also seeking

revegetation and standards under Section 125-1201(H)(4) (A-F), which holds jurisdiction on clearing standards. Staff is not seeking a huge landscaping plan, but they are hoping that as part of the removal of the vegetation that there is a proposal to have species in kind with what was removed, granted that they are non-invasive, to help re-establish what was removed. Aside from that, staff has recommended to continue this matter, with revisions being made as stated within the staff report.

Chairwoman Joyce reminds that this is a continued public hearing, and if anybody from the public wishes to speak on this matter, please feel free to come up to the podium at any time during deliberations.

Member Mikami asks what the Applicant wants relief from and why. Mr. Hannon explains the owners want relief from the revegetation plan. Mr. Hannon explains if you look at the pictures that were just distributed, the property owner's position is that they removed a combination of old trees that were dead, trees that were susceptible of damaging their house and overgrowth that surrounded the property. Member Mikami explains providing approvals after the fact and people starting to do things without getting permission is a pet peeve. Member Mikami doesn't feel like the property owner's comments are compelling in terms of picking and choosing what to do. Member Mikami asks the Assistant Director if we are looking for something excessive. Mr. Murphy explains it is trying to re-establish what was there without harming the single-family dwelling. Mr. Murphy explains that under Article XII, the revegetation standards, we are seeking that they proposed something to replace in kind what was there – not specifically size but more so species and such. Director SantucciRozzi asks what the property owner spent for tree removal because they removed substantial trees. Mr. Hannon states he has no idea. The Director understands what they are saying on the brush, but she feels they removed substantial trees. Mr. Hannon states the owners readily acknowledge that they removed trees, but there were reasons behind doing so. The Director understands the owners wanting to do a cleanup, but that is substantial tree removal, and she asks if the Mr. Hannon was able to quantify what was taken off the lot. Mr. Hannon advises that all he has, because he wasn't there at the time, is the written statement from the owner and the GIS Plan views provided by staff. The Director thinks it might be helpful to get this information from whomever removed the trees.

Member Kroha suggests something less formal with what was removed and what is being proposed as far as replacement instead of rather than having it be particularly located based on whatever information you can recreate. Member Kroha does feel bad when homeowners don't know about requirements of the Grading Permit and then having to incur the expense of a professional engineer to complete the job. Member Kroha states if we can get the information needed in a less formal matter, she would be on board with that.

Member Grove has no comments or questions.

Member Kent drives by there a few times a day and feels the place looks 1000% better than it did before. He would be pretty disposed to let the owners continue what they are doing because it is a lot better than what was there.

Member Connolly has no comments or questions.

Chairwoman Joyce comments that there is a requirement for revegetation or some plan to replace or reconfigure landscaping on a site while trying to quantify what vegetation was removed, and she suggests that it would be helpful if the survey showed existing fence lines and any existing vegetation. The survey also doesn't show the stone wall at the corner of Liberty and Forest Street. The Chairwoman asks if they removed the trees along Liberty Street, and she asks the engineer if he knows which trees were removed along Liberty

Street. Mr. Hannon replies that this happened over a year and a half period, and then approximately five months ago the stop work notice was issued. Chairwoman Joyce asks if there is any evidence of tree stumps. Mr. Hannon replies – not really. She thinks a little more effort should be put into the plan of what was there and removed, as best can be determined, and some plan for the ultimate goal without the Planning Board setting that requirement. The Chairwoman would like to see fences and existing vegetation shown on the plan, especially if there are trees that were preserved. The Chairwoman asks if the work has been done or does it have to be finished. Mr. Murphy clarifies that the project has a stop work order from the Building Department and still needs to be finished.

Mr. Hannon thinks the best previous layout vs. what remains there would be what staff provided on GIS Plan View. Mr. Hannon explains that perhaps he could get the owners to provide a Scope of Work or a quote or contract from the tree removal company to figures what was removed. The Chairwoman thinks we should include the location of the stone wall at the corner and the fences in the survey, and she states it seems like there is missing information on the survey. The Chairwoman did have one follow-up question on the survey, and she asks for clarification under Note 7 where it says: “elevation datum equals Google Earth”. She is unfamiliar with what that means, and she asks Mr. Hannon to clarify that datum. Mr. Hannon spoke with his surveyor today about that and explains that they did use NGVD88, and the surveyor also used Google Earth for some of the information that wasn’t on there. The datum that the plan is based on is NGVD88, which is shown below the table. Mr. Hannon states he will clarify that. Chairwoman Joyce has no further comments or questions, and she states we would be looking to continue this hearing.

Director SantucciRozzi explains that she wanted to provide a little more direction on the replanting, and she clarifies that the ordinance is at a two-to-one for revegetation. The yard is clear cut; there is nothing left. The Director asks for some direction from the Planning Board related to what would be acceptable for revegetation. Mr. Hannon states that they have worked in Braintree and dealt with these scenarios before. Typically, they will bring in Brad Holmes, walk the property with him and have him come up with a mitigation plan to offset, to the best of their knowledge, what should be done to comply with the bylaws. Mr. Hannon feels it will be challenging to convince the owner. Chairwoman Joyce confirms that the bylaw replanting specifically relates to the areas impacted by the grading. Personally, there is a lot of different aesthetics on residential landscaping. There is a modern look with less plantings, which is good from a sustainability perspective. She would like to see a plan that is something, but perhaps not get too tied up in numbers of replacements, but she cannot speak for the Board. Member Kroha would agree with that. Member Kroha and the Director confirm that the revegetation requirement is triggered because the owner was grading their property. The Director explains that there is an ordinance supported by one of the councilors that exempts single-family homeowners, who are the biggest culprits of removing trees. The Director explains that this is at the Board’s discretion. The Director thinks that the replanting requirement at two-to-one is a little aggressive. Mr. Hannon has done replanting plans on other properties that were acceptable to the Board, and they were not at the two-to-one ratio. Member Mikami thinks we should give Mr. Hannon a chance.

Member Mikami **MOTIONS** to continue this hearing to the Planning Board Meeting on September 13, 2022 at 7:15 PM; seconded by Member Kroha; voted 5:0:0.

CONTINUED PUBLIC HEARING: Town Council Order #22-012 – Zoning Ordinance Text Amendment – New Section 135-616 Inclusionary Housing & Amendments to Sections 135-102, 135-601, 135-711, 135-614 and 135-705 – Mayor Charles C. Kokoros, Applicant
10:44 PM – Five Planning Board Members are participating.

Braintree Planning Board
August 9, 2022
Cahill Auditorium

Chairwoman Joyce knows we have been continuing this for a couple of months, and she asks the Director for any updates on when we might have more information.

Director SantucciRozzi advises that she and Mayor Kokoros continue to discuss this matter, looking at past projects and applications, with different requirements that have been instilled in developers in absence of an inclusionary ordinance. Mayor Kokoros has asked to have this continued so that we can continue those discussions. They plan to meet with some developers, which is difficult to schedule over the summer. Director SantucciRozzi will put this back on the agenda for September.

Member Grove **MOTIONS** to continue this hearing to the Planning Board Meeting on Tuesday, September 13, 2022, at 7:15 PM; seconded by Member Kroha; voted 5:0:0.

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

The meeting adjourned at 10:46 PM.

Respectfully submitted,
Louise Quinlan
Planning/Community Development