



Department of Planning and Community Development

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Joseph C. Stelli, Mayor
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PLANNING BOARD

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

Braintree Planning Board – September 8, 2020 – Via ZOOM

Present:

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

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

NEW BUSINESS

September Zoning Board of Appeal Recommendations

7:03 PM – Five Planning Board Members and Associate Member William Grove are participating.

Zoning Planner, Connor Murphy, advises that there are seven new petitions for September 2020, and he has provided materials related to each of the Zoning Board Petitions scheduled to appear before the Zoning Board of Appeals on Monday, September 21, 2020. Mr. Murphy has provided his recommendation for each of the Petitions. Chair Harnais asks the Zoning Planner to present them in order.

Petition 20-18, 19 Shepard Road, Mr. Murphy provides a summary of the following legal notice:

Edward Cheung, Applicant, for relief from Bylaw Requirements under Chapter 135-403 and 135-701 for the construction of a Two-Story Addition with a footprint of 380 Square Feet. The Applicant seeks a finding to construct the Two-Story Addition as the Existing Single Family Dwelling has a Non-Conforming Side Yard Setback of 6.8 Feet and the proposed addition will have a Side Yard Setback of 7.3 Feet where 10 feet is required. The property is located at 19 Shepard Road, Braintree, MA 02184 and is zoned Residence B, as shown on Assessors Map 1045 Plot 52A with a land area of 6, 544 Square Feet.

Staff recommendation is favorable action. The Applicant's proposed addition is to remain flush with the single family dwelling.

Member Phillip Baker has recused himself on this item.

Member Grove confirms whether the addition is the same distance from the side yard setback. Mr. Murphy explains the reason the addition isn't the same as the original property is because they have a bump out. Member Grove asks for plot plan to be shown. Chair Harnais confirms that nothing is changing; they are just going up, and it is all flush. Zoning Planner, Connor Murphy, provides clarification and shows where the addition will be located. There are no questions or comments from other Planning Board Members.

Chair Harnais performs a roll call vote to follow the recommendation of the department on this Petition (i.e. favorable action); voted by roll call 4:1:0 (Member Grove: OPPOSED; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES) with Member Baker being recused.

Petition 20-19, 550 Liberty Street, Mr. Murphy provides a summary of the following legal notice:

Ashley Jimenez of Sign Design Incorporated, Applicant, for relief from Bylaw requirements under Chapter 135-407, 135-904.2 and 135-904.3 for the installation of a 18.72 Ft. x 7.61 Ft (142.46 Sq. Ft.) Ground Sign. The Applicant seeks a variance as the proposed Ground Sign is located within a Commercial Zone and exceeds the requirements for a Ground Sign. The property is located at 550 Liberty Street, Braintree, MA 02184 and is zoned Commercial as shown on Assessors Map 1125 Plot 17 and has an area of 50.6 +/- Acres.

Staff recommendation is that there is prior ZBA case history for this signage; the ZBA approved the last ground sign that the Applicant proposed. The Applicant seeks to alter the message within the ground sign, which requires ZBA approval. Staff recommends favorable action.

Chair Harnais confirms that just the wording is being altered. Member Downey asks about a graphic for this signage. Member Mikami points out that you can get all the information on the braintreema.gov website under ZBA. Member Mikami mentions the graphic says "Lenox Farms Visit Now" and asks about the wording and whether this is a permanent sign or will they alter the sign in the future. Mr. Murphy explains that ZBA has input as to what can be on that sign. Any extra language requires ZBA approval. ZBA will be approving "Visit Now". Mr. Murphy explains that any other changes require ZBA approval in the future.

There are no questions from other Planning Board members. Chair Harnais states there is a **VOTE** to be taken as far as the recommendation of the department on this Petition; voted by roll call 6:0:0 (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Petition 20-20, 227 Hayward Street, Mr. Murphy provides a summary of the following legal notice:

Neil Crossman, Applicant, for relief from Bylaw requirements under Chapter 135-403, 135-701 and 135-707 to construct a Second Story Addition with dormers over the Non-Conforming Front Yard Setback and the Non-Conforming Rear Yard Setback. The Applicant seeks a finding as the existing Single Family Dwelling has a Non-Conforming Front Yard Setback of 8 Feet where 20 Feet is required and a Non-Conforming Rear Yard Setback of 18.2 Feet where 30 Feet is required. The property is located at 227 Hayward Street, Braintree, MA 02184 and is zoned Residence B as shown On Assessors Map 3051 Plot 5 with a land area of 7,937 Square Feet.

Mr. Murphy would like to note that this is a corner lot, and they are subject to two front yards. The staff recommendation is approval. Chair Harnais states this is down the street from his house, and they are doing a good job.

There are no questions from Planning Board members. Chair Harnais states there is a **VOTE** to follow the recommendation of the department on this Petition; voted by roll call 6;0;0 (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Petition 20-21, 4 Pinecrest Road, Mr. Murphy provides a summary of the following legal notice: **Nicole Hamilton, Applicant, for relief from Bylaw requirements under Chapter 135-403, 135-701 and 135-707 to construct a Second Story Addition over a Non-Conforming Side Yard Setback and a Non-Conforming Rear Yard Setback. The Applicant seeks a finding as the existing Single Family Dwelling has a Non-Conforming Side Yard Setback of 5.2 Feet where 10 feet is required and an existing Rear Yard Setback of 18.9 Feet where 30 Feet is required. The property is located at 4 Pinecrest Road, Braintree, MA 02184 and is zoned Residence B as shown on Assessors Map 2085 Plot 43 with a land area of 7,770 Square Feet.**

Staff recommendation is approval; Chair Harnais confirms with Mr. Murphy that this is in the same footprint, and they are just adding a second story. Chair Harnais does not have an issue as long as they stay in the same footprint.

There are no questions from Planning Board members. Chair Harnais states there is a **VOTE** to follow the recommendation of the department on this Petition; voted by roll call 5;1;0 (Member Grove: NO; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Petition 20-22, 1515 Washington Street, Mr. Murphy provides a summary of the following legal notice: **Foxrock 1500 Campus Realty LLC, Applicant, for relief from Bylaw requirements under Chapter 135-407, 135-609 135-701, 135-806, 135-808, 135-809(E), 135-812(C) and 135-812(D) for the installation of 27 Parking Spaces. The Applicant seeks a Variance as the proposed parking spaces will create an increase in the Sites Lot Coverage from 74.5% to 75.1% and will decrease the Site's Open Space from 25.5% to 24.9% where the maximum Lot Coverage allowed is 70% and the minimum Open Space allowed is 30%. The property is located at 1515 Washington Street, Braintree, MA 02184 and is zoned Highway Business Watershed as shown on Assessors Map 1053 Plot 12I with a Land Area of 13.98 Acres.**

Chair Harnais recuses himself from this Petition.

Mr. Murphy would like to note that the Applicant will have to come before the Planning Board for some sort of modification. However, the staff recommendation for the Petition before the ZBA is approval.

Member Grove confirms that it is a 1% decrease in coverage. Mr. Murphy explains that it is a .6% increase in lot coverage, but he would like to note for everyone that the Applicant has separate parcels at this business park, and if the property was one full parcel combined into one lot, they would actually meet coverage requirements, but there are multiple parcels. Vice Chair Joyce confirms that they will be coming before Planning Board, and she confirms the reason for the lot coverage increase is because they are doing some parking improvements. Vice Chair Joyce confirms that they are increasing accessibility with new sidewalks.

There are no questions from remaining Planning Board members. Vice Chair Joyce asks for **VOTE** to follow the recommendation of the department on this Petition; voted by roll call 5:0:0 (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES;). Chair Harnais was recused from this Petition.

Petition 20-23, 27 St. Michael Road, Mr. Murphy provides a summary of the following legal notice: **Thomas Holder, Applicant, for relief from Bylaw Requirements under Chapter 135-402, 135-403 and 135-701 for the construction of a Second Story Addition with dormers over a Non-Conforming Side Yard Setback. The Applicant seeks a Finding as the existing Single Family Dwelling has a Side Yard Setback of 7.4 Feet and 10 Feet is required. The Property is located at 27 Saint Michael Road, Braintree, MA 02184 and is Zoned Residence B as shown on Assessors Map Plot 1062 Plot 114 with a land area of 7,980 Square Feet.**

Staff recommendation is approval on the application.

Member Grove asks for a plan; Mr. Murphy provides a plot plan. Member Baker explains that they are stepping in the front dormer, and he has nothing against it. Member Joyce asks a question about the garage door and walk-out access. Mr. Murphy does not have the answer immediately. Member Baker states it looks like a drive under garage. Mr. Murphy advises that the driveway links down to around the rear of the house. Member Joyce states if the site plan could show pavement and sidewalk on it – that is her only comment. She has no other questions or comments on the addition.

There are no questions from remaining Planning Board members. Chair Harnais will do a roll call vote for the **VOTE** to follow the recommendation of the department on this Petition; voted by roll call 6:0:0 (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Petition 20-24, 16-18 River Street, Mr. Murphy provides a summary of the following legal notice: **Josh Becker of B&A Construction LLC, Applicant, for relief from Bylaw requirements under Chapter 135-407 and 135-701 for the construction of a 7 Foot x 25.6 Foot (179.2 Square Feet) Enclosed Front Porch and a 4 Foot x 10.8 Foot (43.2 Square Foot) landing and stairs. The Applicant seeks a Variance as the proposed improvements will create a deficient Front Yard Setback of 6.4 Feet where 10 Feet is required and deficient Side Yard Setback of 9 Feet where 10 Feet is required. The property is located at 16-18 River Street, Braintree, MA 02184 and is zoned General Business District as shown on Assessors Map 2024 Plot 27A and has a land area of 7,913 Square Feet.**

Staff recommendation is favorable action.

Member Grove asks if there is construction going on or are they trying to clean things up. Mr. Murphy advises that a community based group has purchased the building, and they are seeking to make some tenant improvements. They are a community-based group that helps veterans. It is mainly going to be office space. They don't expect to have many visitors, especially during Covid. One of the reasons before the ZBA is so they can expand and provide more distance between workers. They are seeking to propose front porch and a small bump-out bay window. Member Downey asks what veterans agency; Mr. Murphy states they are a private, non-profit. Member Joyce states the site plan says Guardian Community Trust. Member Joyce wants to note that they make sure that parking is workable.

There are no questions from remaining Planning Board members. Chair Harnais will do a roll call vote for the **VOTE** to follow the recommendation of the department on this Petition; voted by roll call 6:0:0 (Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

Member Grove asks the Zoning Planner about a matter with Town Counsel, regarding 30 Torrey Road. Mr. Murphy states he sent an email to the Planning Board with the Town Solicitor's response, and he confirms that Town Solicitor stated it was a Finding and not a Variance. Director Stickney states she will re-forward items to Member Grove, and she clarifies what information was provided for the Town Solicitor to make his decision. Member Baker provides clarification on why case law states this is a Finding.

CONTINUED PUBLIC HEARING

345-395 Quincy Avenue – PB File #20-01 – Definitive Subdivision

Applicants: Citgo Petroleum Corporation

7:26PM – Five Planning Board Members and Associate Member William Grove are participating.

Appearing for the Applicant:

Michael Leon, Nutter, McLennan & Fish

Valerie Moore, Nutter, McLennan & Fish

Roy Messier and Joe Callahan, Engineers from ES&M

Director Christine Stickney explains this is a continued Public Hearing from last month. There are some new materials, but we had also asked a number of questions, which Attorney Leon can address. Attorney Goldrosen and Attorney Leon have worked together on the covenant. As of 6:00 PM this evening, Director Stickney spoke with Attorney Goldrosen, and he is satisfied with the proposed covenant. There are some plan references that would have to be filled in, but as far as the covenant, Attorney Goldrosen thought it would address any concerns that the Planning Board might have depending on what action the Board wants to take. Director Stickney did send the Board Members and Attorney Leon some questions, and she does think it would be beneficial if Attorney Leon could address those questions.

Attorney Leon states who is present for this meeting and explains there have been exchanges of email in connection with this project. Last week, he spoke with Attorney Goldrosen on concerns of the Planning Board. There was a concern that although Citgo has no intention in divesting itself of this property, they are trying to create an independent, legal lot. The way to do that is to do the subdivision; it will remain completely integrated with the Citgo terminal in the future, and they don't intend to build out any separate access. This particular lot is integrated in the terminal's permitting regime, stormwater management system, its transportation system. For all intents and purposes it will remain part of the Citgo Terminal. They have no intention to actually build out the improvements shown on the plan. After the conversation with Attorney Goldrosen, Attorney Leon had drafted an earlier version of the proposed covenant saying Citgo would not sell the property or convey it unless it was sold as part of the entire Citgo terminal, unless and until they had built out the improvements. Attorney Goldrosen explained that the concern would be, if for some reason, there was a potential for an independent conveyance, staff was concerned that configuration for access could potentially conflict with the existing ingress to the terminal. Along those lines there was a separate comment that Ms. Stickney had pointed out about the potential turning radius and the width of the roadway into it. Attorney Leon explains there is a 50 foot radius for this cul-de-sac, and the turning radius is sufficient for all vehicles and firefighting equipment. They discussed further changes stating they recognize that if there was going to be a separate ingress and egress into this lot. They would at that point have to consider how that new access would interact with the terminal. What they drafted in the covenant was a provision that basically stated they wouldn't sell it or convey it until they go back to the Planning Board and propose a then current configuration that would show how that access could be coordinated in conjunction with the ingress to the terminal. They are completely fine with that, but they don't expect that to actually occur. They addressed the potential risk in the event that lot becomes a separately

owned parcel and someone feels it is appropriate to develop separate access. Attorney Leon states other than that, the more significant comments were related to the turning radius, but it appears completely suitable for large vehicles in Braintree. Mr. Messier or Mr. Callahan could address it further if the Planning Board wants to hear more on that. Attorney Leon states they would be coming back with a new, revised configuration that would require further Board action if there was any fiscal improvement.

Chair Harnais asks about any questions from Planning Board; there are none.

Director Stickney states there are some items that have not been addressed. She is questioning the turning radius where it intersects with Quincy Avenue and proposed road. Because you are not using a Type 2 or Type 3 roadway, which are commercial roadway typical, the Applicant has created somewhat of a hybrid. That is why she was asking about the radius. What the Applicant is showing is more for residential. Although your intentions are not to build it out, somewhere down the line when someone wants to build it out, it hasn't been designed for commercial use on the property.

Attorney Leon wants to address that and states there are two issues. One is, whether or not there is future commercial use for this parcel, one would want to reconsider whether or not a Type 2 or Type 3 configuration would be appropriate. That would be completely up to the "then" Planning Board to make a decision on whether or not that was appropriate. On top of that, there is a very legitimate question about how you would accommodate a potential for providing lateral access to the Citgo gate or to any of the other properties that are on the road also owned by Citgo. He would rather not speculate on how to deal with adjacent parcels, since they are required to come back to the Planning Board anyway to justify actual final design for the roadway. There are a series of buildings not intently used, with limited access off the rear of those buildings. At that point, it may be that some or all those buildings be replaced or modified. At that time, it would be appropriate to determine how to handle to the entrance and egress. Attorney Leon thinks that the language proposed states it would require Planning Board action and approval before the lot is released for a separate transfer or any redesign.

Director Stickney states that gets back to the intention behind the subdivision. At the last meeting there was a discussion about leasing. She heard that some of the tanks are currently leased. Attorney Leon explains that the industry has a slightly different way of approaching this issue called "Terminalling Agreements", and he provides an example of how home heating oil companies buy large volumes based on the price. They need someone to receive and store the volume of heating oil that they purchase. Citgo has a number of contracts with heating oil companies for that purpose. This is similar for a number of retailers who buy gasoline. These Terminalling Agreements allow them to store, either co-mingled with the Citgo product, or segregated. This is handled through the loading rack; there are 9 bays for trailers or trucks to load heating oil and gasoline to distribute in Massachusetts. The Agreement calls for Citgo to store and load back into their volumes. This has been happening for 40-50 years with local folks on the South Shore. Attorney Leon states, in any event, Citgo is still the operator. They own the property; they own the tanks. Attorney Leon used the analogy of owning a building and leasing an apartment.

Director Stickney asks what the purpose is of the subdivision. Attorney Leon states it is to create a separate lot. Under Mass. General Law Chapter 41, Section 81, the actual purpose of the subdivision is not a matter of relevance to the Planning Board. It is being done for administrative purposes. They are not changing its use or the nature of the people with whom they do business. It is an administrative mechanism to have more flexibility with respect to a single part of their terminal. Within the terminal, Citgo owns separate parcels. They are creating another parcel as part of the terminal. It all remains within the terminal and within Citgo's ownership. There are no other zoning issues with this action. Whether they lease is not relevant; it's a property owner's right to subdivide property. Director Stickney states she is aware of that, but it is a highly unusual situation to

be asked for definitive approval and waiver of all the regulations under our Subdivision Rules and Regulations to not build a subdivision. When we asked about this, it was explained to us that there were financial reasons for doing it. Director Stickney asks why it has to be a subdivision. If you need to create a lot for financial reasons, why aren't you creating it through an Approval Not Required process? Attorney Leon states they chose to do this without creating any non-conformities with any of the setback requirements. They specifically did not want to incorporate any of the other buildings on Quincy Avenue. There is no frontage available. Potter Road does not provide an opportunity for separate frontage on which they could create a subdivision. Attorney Leon states they are creating a lot that remains part of and integrated within the Citgo terminal. The roadway access is irrelevant. They intend just to create a new lot containing that single tank, it will remain part of their overall terminal assets.

Staff is concerned that the frontage is there, and you can get the lot size. Director Stickney is befuddled why you need a Definitive Subdivision approval that will not be built when it can be done with an ANR plan if you can't talk that much more about what your financial intentions are. Director Stickney states we have not had a Definitive Subdivision approval like this that she can recall in the Town of Braintree with a request not to build. It is a very unusual request, and she is expressing her concern to the Applicant and to the Board. Member Baker states, to piggy-back on Director Stickney's comments, Member Baker agrees and states if you are going to do something, do it right. Member Baker thinks "make it work", even if you are never going to build it. Make the site work, make the road work, make the lot work, and there will be no issues; we cannot live in hypotheticals in Braintree; we have to live in the present. Attorney Leon thinks it works. Attorney Leon states, as explained in the covenant, the new Town Engineer expressed his satisfaction, per se.

Director Stickney states the issue is that you are requesting waivers. She understands that Attorney Leon is willing to put the covenant that says you won't build it unless you come back. However, what are we really approving if you have asked for waivers from all of the subdivision rules and regulations? Attorney Leon states the creation of the new lot, as shown on the plan, is the only thing they have sought approval of. The Covenant provides for revisiting this issue with the Planning Board before anything can be transferred. From a geometric and engineering stand-point, the Plan that was submitted satisfies the requirements of the statute for the Subdivision Lot. Attorney Leon states they felt that this was the most appropriate way to approach this under the subdivision act, which is why they had assumed that the Planning Board, which has already granted approval of the Preliminary Plan, would approve the Definitive Plan, subject to the covenant language that has been discussed, drafted and approved. Director Stickney mentions that she has concerns and she has expressed this to Attorney Goldrosen. If the subdivision came in and could be shown without a blanket waiver, that would be different. But you are asking for waivers for everything from design to construction, and that is questionable as to what we are actually approving.

Attorney Leon states what they are requesting are waivers that deal with issues like independent utility provision to that lot. He understands that there is another waiver requested with respect to the roadway profile. Those are engineering requirements that would be applicable if they were to provide a separate physical access to the property. As they indicated in their submittal documents, the actual condition of the lot, including the berm around the tank, will remain where it is. The tank does not require independence stormwater management because it is integrated with the Stormwater Management System for the entire terminal. The stormwater system for the entire Citgo terminal is a fairly complex system, which is regulated by DEP and EPA. It is not a stand-alone system. Attorney Leon explains the nature of the waivers they sought. With the covenant that Attorney Goldrosen is comfortable with, they would be required to come back to the Board showing the then current appropriate reconfiguration.

Member Grove has no questions.

Member Baker is not warm and fuzzy. He feels if you are going to do it, do it right. There are a lot of unknowns. Attorney Leon states part of the challenges is that you have a new Town Engineer, and it would have to be worked out with the Town Engineer and there would be a number of considerations for that. They have not received such indication from the new Town Engineer.

Joe Callahan, ES&M, states they would be requesting many of the same waivers. Director Stickney states the difference is today that is being used as a driveway, and you are asking approval for a street. She is not even sure that is under Mass Highway jurisdiction. Director Stickney asks if the Applicant has explored a curb cut with Mass Highway, if they ever had to build a road. Attorney Leon states there is an existing curb cut there. Attorney Leon confirms it is not a street, nor would it be a public way even if they were to do this plan. It would be a subdivision way.

Director Stickney states we have not gotten to that point of discussion with the new Town Engineer. The waivers were written to sections of the Subdivision Rules and Regulation, and they were not itemized as to what you wanted. She thinks we need to ask certain questions of the Town Engineer.

Member Downey reiterates not being comfortable; he confirms that Director Stickney is the professional. If we are not getting a “warm and fuzzy” from our professional staff, he wants to encourage communication and progress to get the clarification that is needed.

Member Mikami states this is above him in terms of engineering and legal. What concerns him is that we are doing something highly unusual and creative from a legal standpoint in order to do something on the financial end. Secondly, Citgo is a controversial area, and we need to be careful. This year, more than others, we have seen the impossible happen. Member Mikami is not getting a comfortable feeling, and he is listening to Director Stickney. When he adds up everything, he is feeling very uncomfortable. Can the same financial arrangements be done another way? We are used to things being cleaner with a real rationale behind it. We heard comments from the community before, and we have to tread carefully. It doesn't feel right to him.

Member Joyce, as a point of clarification from staff or the Applicant's attorney related to the road parcel, that road parcel, since it would never be built out as a road, would be providing frontage for this new subdivision lot. Who would end up owning the road? Attorney Leon states under traditional structure, it would continue to be owned by Citgo. If it were conveyed separately, there would be a shared interest by the abutters, with reciprocal easements. The new lot owner could own it. Attorney Leon appreciates the reluctance to feel comfortable with the idea. Attorney Leon states, if the Board's preference is to see the plan with the supplemental drawings that show no waiver of the requirements and the profile of the roadway, which would satisfy those requirements, we can continue the hearing and we could provide those plans. It is an engineering step that we can take.

Director Stickney responds to Member Joyce's comments; we have accepted an easement in prior subdivision that was done recently – for example Commerce Drive. Attorney Leon explains that puts the Town on the hook to maintain it.

Director Stickney explains there is nothing to prohibit you from doing an ANR off that cul-de-sac in the future. You don't need a building permit. It's not like a residential subdivision where other lots can be created and then you have to deal with a building permit. There is nothing to prohibit you from going forward in the future and proposing ANR's off of that road. That is a major concern. Director Stickney states, although the Applicant states now it is one lot, with all due respect, she has to look at it as if the roadway was to get built. We have never had a request like this. Attorney Leon wants to address whether they would ever have a need to ANR. The terminal is over 60 acres; the terminal has probably 1000 feet of frontage on Quincy Avenue. Attorney

Leon states they could ANR an enormous number of lots, or they could create a new subdivision with a new entrance. They are proposing creating two lots out of one very large lot. They have a very viable operation at the terminal, and there is no expectation Attorney Leon brings up Mr. Quirk's properties. They are not carving up parts of this property to sell-off. If the Board is concerned with the Waiver issue, they can re-structure it without the design waivers for the roadway.

Member Joyce was just trying to understand, if you on paper create the roadway lay-out, you are effectively giving yourself a lot more roadway frontage than you have now. In the future, you might have frontage to do the same thing at other locations by the granting of this frontage. It seems a bit unusual. If it is not going to be built, she is not sure why we would go through the whole design of that. Member Joyce asks if the access for Tank 2 is through this area or is it elsewhere. Attorney Leon states it is elsewhere; it is in the terminal. The proposed Lot B is separated from their ingress roadway. Attorney Leon feels they are not creating a significant amount of frontage; he guesses it's about 200 feet, which is not material compared to the amount of frontage the terminal has on Quincy Avenue. Member Joyce asks what the minimum frontage would be for a lot; Director Stickney explains it is 100 feet.

Director Stickney asks if this has been done somewhere else. Has Citgo done this in another community? Attorney Leon states this is the only significant facility that Citgo owns in Massachusetts. Attorney Leon has most often seen this with commercial properties, large shopping centers and plazas where the property is divided up to create a cul-de-sac in the middle so that you end up with a series of parcels. Attorney describes where he has seen paper subdivisions in multi-family residential and commercial to create configurations. It is not an unusual concept. Director Stickney has seen it, as well, on existing paper ways, but not in the definitive process. Have you gone through this in the Definitive process similar to this, sought the approval and not built it? Attorney Leon cited locations in Framingham and other communities.

Director Stickney states staff would be looking for direction from the Planning Board; if the Planning Board so desires more discussion on the waivers, she could work with the Applicant on that. Obviously, we have to continue this tonight to our next meeting.

Chair Harnais states the Planning Board does not have any objection to continue this to the next meeting; we are not ready to move forward now.

Member Baker **MOTION** to continue this Hearing until the Planning Board Meeting on Tuesday, October 13, 2020; seconded by Member Grove; voted by roll call (6 Votes – Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary. Director Stickney explained that the Decision Deadline would also be continued to **December 3rd**.

CONTINUED PUBLIC HEARING

40 Arnold Street, File #20-02

Special Permit(s) and Site Plan Review

Applicant: Adams Street Enterprises, LLC.

8:20 PM – Four Planning Board Members and Associate Member William Grove are participating.

Member Erin Joyce has recused herself from this hearing.

Appearing for the Applicant:

Brian Palmucci, Attorney

George Lang, Applicant-Principal Developer

Shawn Hardy, Engineer – Hardy Man Design

Chi Man, Engineer – Hardy Man Design
Garrett Tunison - LSP Environmental Engineer
David Peter - Construction Manager

Assistant Director SantucciRozzi explains that she has not prepared anything for this evening; she believes Attorney Palmucci is going to provide an update based on the Conservation Commission meeting last week, and she has discussed with Attorney Palmucci how to move forward over the next couple of weeks.

Attorney Brian Palmucci begins the presentation for the Applicant. He explains that Adams Street Enterprises presented proposal at the Planning Board's last meeting. Since that last meeting, when they discussed the traffic plan and the traffic study, they met with Conservation Commission on Thursday, September 3, 2020. The entire project has been thoroughly reviewed by the Peer Review firm, Beta Group, on behalf of the Town. The only significant issue was around an interpretation related to compensatory flood storage. That was really the largest issue from the Peer Review analysis. The Conservation Commission weighed in on Thursday and provided the guidance needed on the issue. Now that the Applicant has direction and are aware of what the Conservation Commission's interpretation is, they can adjust their plans accordingly.

They are scheduled to be back before Conservation Commission on October 1st. As a result of their guidance, the Applicant will have to update their plans accordingly. They will provide revisions in the next week or so to give the Peer Review ample time to weigh in and also to give both the Conservation Commission and Planning Board time to review the revised plans with Peer Review comments. Ultimately, there will be no changes to the footprint of the buildings. It had to do with where they were going to put the compensatory flood storage. Their team is here to answer any questions from the Planning Board. Beyond that, Attorney Palmucci expects that they would be back before the Planning Board next month with an updated plan that would address everything from all of the Peer Review reports that have been received thus far.

There are no questions from Member Grove.

Member Baker asks if there is going to be a cut and fill calculation on the site. Attorney Palmucci refers that question to the project engineers. Shawn Hardy clarifies that they have provided one for the floodplain; Member Baker is asking for an overall calculation. Shawn Hardy can provide general numbers.

There are no questions from Member Downey

Member Mikami asks if we are going to be able to get this material in time to review it before the next meeting, given that you are meeting with Conservation on October 1st. Attorney Palmucci states that is their goal. He anticipates they will have it in enough time for Conservation. Member Mikami states, given some of the challenges of this site, he is wondering whether a site visit might be useful for the Planning Board. Chair Harnais doesn't have a problem with a site visit, but we don't want to make a Public Hearing out of it. The Assistant Director asks that Board Members can coordinate visits with her by contacting her tomorrow by email. She can coordinate two separate slots. It is definitely a different perspective when you are on the property. It would be helpful in decision making.

Assistant Director SantucciRozzi would like any questions or concerns from Board Members, as, before the next meeting, she will be sitting down with DPW and looking at traffic mitigation. She also recommended to Attorney Palmucci, that prior to submission of revised plans, a meeting be set up with Peer Review, the Conservation Planner, and Applicant's representative. This Plan is very consuming. This would be to facilitate communication and flush issues out.

Member Downey **MOTION** to continue this Hearing until the Planning Board Meeting on Tuesday, October 13, 2020; seconded by Member Mikami; voted by roll call (5 Votes - Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Chair Harnais: YES). Member Joyce was recused from this Hearing.

NEW BUSINESS

Approval Not Required Subdivision Plan – 87 and 99 Storrs Avenue

Requested by: White and Egan, Applicant

8:31 PM – Four Planning Board Members and Associate Member William Grove are participating. Erin Joyce is recusing herself from this presentation.

Appearing for the Applicant:

Carl Johnson, Attorney

Mike Joyce, Engineer

Director Christine Stickney explains that she provided a Staff Report on September 1st; this is an interesting Approval Not Required Plan because it takes an older right-of-way and there is quite a bit of history. Director Stickney went through all of the old plans with Attorney Johnson, Attorney Goldrosen and the engineer, Mike Joyce. She tried to simplify it with what is happening with each lot. There are two property owners on either side of the right-of-way, and they will be getting some of the area to be added to their lots. She will correct one thing related to 87 Storrs Avenue. Michael Joyce with Joyce Consulting Group clarified that the correction is related to the fact that the lot is conforming. Staff's recommendation is endorsement of the ANR.

No questions or comments from Planning Board Members.

Member Mikami states this was a very thorough job.

There is a **MOTION** to favorably recommended endorsement of the ANR with a notation relative to zoning; it is voted by roll call (Five Votes: Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Chair Harnais: YES). Member Joyce was recused from this presentation.

NEW BUSINESS

Minor Modification and As-Built Approval

62 Johnson Lane – PB File #01-08

8:35 PM – Five Planning Board Members and Associate Member William Grove are participating.

Assistant Director SantucciRozzi advises that this matter is not ready for presentation. Another Site Visit is needed.

Member Downey **MOTION** to continue this matter until the Planning Board Meeting on Tuesday, October 13, 2020; seconded by Member Baker; voted by roll call (Six Votes: Member Grove: YES; Member Baker: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). Note: all 6 Members of the Board, including the 1 alternate Member, voted when only 5 were necessary.

OTHER BUSINESS: DISCUSSION

Chair Harnais discusses the possibility of having Planning Board meetings earlier in the day because we are on ZOOM. Member Grove suggests 6PM to give people an opportunity to attend. Director Stickney states we

have announced our next meeting for October 13 in a public forum, and we have continued a number of hearings to 7:15pm. Perhaps we can take up other business earlier in the meeting, but the Public Hearings have been announced for 7:15. Director Stickney suggests otherwise starting this in November. Assistant Director SantucciRozzi suggests starting the October Meeting at 6:30 to take up all other matters; then start the November Meeting at 6:00 PM.

NEW BUSINESS

Planning Board Appointee to Master Plan Committee

8:39 PM – Five Planning Board Members and Associate Member William Grove are participating.

Director Stickney states that we need to discuss the Master Plan Committee; she mentions there is one Planning Board representative on the Master Plan committee. They are asking the public to submit their requests to be considered, and that is due in October.

Member Mikami nominates Member Baker to be on the Master Plan Committee; seconded by Member Downey; voted by roll call (Five Votes: Member Grove: YES; Member Downey: YES; Member Mikami: YES; Member Joyce: YES; Chair Harnais: YES). During the roll call vote, it is confirmed with Member Baker that he is in agreement.

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

The meeting adjourned at 8:45 PM.

Respectfully submitted,
Louise Quinlan,
Planning/Community Development