



# Department of Planning and Community Development

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Joseph C. Sullivan  
Mayor

## PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Erin V. Joyce, Member

August 18, 2015 6:05 pm – Cahill Auditorium

### Present for Planning Board:

Robert Harnais, Chairman  
Joseph Reynolds, Vice Chairman  
Darryl Mikami  
James Eng, Clerk  
Erin Joyce

### Staff:

Joseph Sullivan, Mayor  
Christine Stickney, Director

### Present for Town Council:

Thomas Bowes, President  
Sean Powers, Vice President  
Paul Dan Clifford  
Shannon Hume  
Charles Kokoros  
John Mullaney  
Stephen C. O'Brien  
Michael Owens  
Charles Ryan

APPROVED

Meeting convened at 6:20 PM - The Pledge of Allegiance was recited and a moment of silence taken.

The Town Council Clerk Sue Cimino read the Council member roster – all present.

Planning Board Chairman Robert Harnais read the Planning Board member roster – all present.

Council Powers **Motion** to open the public hearing for Order 15-031, rezone Petersen Pool/Rink Athletic Facility, seconded by Dan Clifford – unanimously voted.

Member Reynolds **Motion** to open the Planning Board public hearing, seconded by Member Eng – unanimously voted.

Council President Tom Bowes read the joint legal advertisement for the public hearing.

Chairman Harnais asks for a staff report - Christine Stickney, Director of Planning/Community Development recommends approval; the proposal before them is for 15.8 acres to be rezoned as Highway Business; Highway Business is located across the street at the Burlington Coat Factory, and we feel it is consistent with the area.

No comments from the Planning Board members.

Councilor O'Brien – I will rise in support of this project - the other evening I raised concerns with the former council order 15-030 that was poorly drafted; I am not against Peterson Pool – I am in support of this and a rezone of a very large parcel. I have been assured by the executive branch that the Town will maintain ownership of the property even though we are rezoning and we are allowing this building. I hope the Town residents get a lot of benefits from the facility not just the fact we have it but financial benefit such as lower rates, much like the Golf course. Even though a private entity, I certainly hope that is tied in with the lease - I will support this because it will be a great asset for the Town.

Councilor Clifford – This has been years and some weren't born when the money was left to the Town. Let's get this done – Braintree is going to be the envy of many other towns around here – let's get done.

Councilor Hume cited she is fully supportive of this project – it was way back when I was on School Committee we had to go to the state for approval for use of the land. I have had a questions posed to me – ok I will wait until after the presentation.

Mayor Joseph C. Sullivan expressed his appreciation for putting this meeting together tonight. This has been a long time coming in terms of our approach to this. It has been methodical as we have worked to get to this point – a lot of work with the scheduling of meeting on an August evening, but it is important work. I want to express appreciation to all of you and thank you for making yourself available for a summit of the Peterson Pool discussion.

Mr. President and Mr. Chairman, through you to the members, it is an exciting time for Braintree. Many of us have worked on this for a long time. It was in Cahill in December 2010 that we outlined as a community we would be doing three enhancements of our athletic venues of our Town. Number 1, we would do the synthetic turf fields at the High School, which we accomplished in October 2011. Number 2, we would do the Peterson Splash Pad at Watson Park after a couple of attempts by me and the previous form of government to cite the Peterson Pool at Watson Park. The third item that we outlined in December 2010 is that we would site this facility at Braintree High School. Subsequently, we passed special legislation supported by the Town Council that was signed by Governor Patrick signed into law and two subsequent RFP's to get to the point we are this evening. So, tonight is an important vote in terms of the future of our Town. There have been many people focused on the ice rinks with the proposal. The Mayor continued that we need to be mindful of the history and request of Captain Peterson back in the early 1960s when he bequeathed to Town of Braintree a sum of money for the development of a community pool. The cornerstone of this project is the Peterson Pool. So it is important to move forward to rezone the parcel. I note there are some neighbors here as well, people I know and respect. I know there are concerns. Anytime you put forward a proposal, there are questions. I would caution, in terms of tonight, our goal is to rezone the parcel to bring the Highway Business zone to the sixteen acre site at the High School. The High School is 83 acres; sixteen acres, what we are looking to rezone tonight, is less than a quarter. As pointed out in my memo of August 14 to all of you, we retain ownership and control of the site. We are rezoning and are leasing specifically six (6) acres within the sixteen (16) acre parcel that is known as the Carson field area. The School Committee already endorsed this last summer, and the Council endorsed it last week. The ten acres that are additionally called in terms of this rezoning will allow us to build it within the six acres site and have the appropriate required buffer zones on all four corners of the building in terms of setbacks to the residential neighborhood, as well as the side and front setbacks. But I repeat we control the ownership of the property, and that is retained throughout this process and going forward. I won't read my memo of August 14, 2015, but I will make it available to the press. It clearly spells out, not only the history of what we want to accomplish, but also the process—the importance of maintaining what I think is a the high quality process. In the recreational facility we want a developer to build on behalf of the Town of Braintree – we will have community skate times, swim times and priority for our athletic teams and youth sports. This cannot be built in an Open Space Conservatory, and should we attempt to do that and push it, we would set a dangerous precedent that others could come after us and express that they would build a facility perhaps of another kind in OSC district. It is the appropriate and logical step that we are taking tonight to rezone sixteen (16) acres of the eighty-three (83) acre site as Highway Business. I would ask for your affirmative vote tonight. Tonight is an important milestone; we still need to work through some finances with developer. What would happen next, assuming an affirmative vote tonight,

would be that the facility would be designed upon the site; there would be a Planning Board process associated with that, a full public vetting with the issues such as parking, setbacks and buffer zones. It will be a good discussion based upon the fact that we have taken the appropriate step to rezone this parcel in the most prudent way.

I should note that members of the school committee are here; I thank them for their efforts. I have attempted to keep them in the loop. Our Superintendent, Dr. Kurzburg, is with us; special thanks to Mike Coughlin, my Chief of staff, who has worked so hard on this. Our former Town Solicitor and current Town Solicitor, Carolyn Murray, has done a lot of work on this, as well.

Mayor Sullivan reads the second to last paragraph of the August 14<sup>th</sup> memo to be clear– No uses will be located at this property without authorization of the Mayor and or any future Mayor or the School committee -- as asked to be done by member Tom Devin expressed striking “or” and replacing with “and” – Moreover, the majority of the uses within the Highway Business District are subject to special permit by the Planning Board, which provides a further layer of oversight. I hope that adds a layer of comfort. What we are attempting tonight is to take another step for the construction of a recreational facility that will bring benefits for future generations to come of Braintree residents and will, in fact, recognize the work and gift of Capt. Peterson. I ask for your affirmative vote tonight.

Councilor Shannon Hume – She thanks the Mayor and comments this is a great project and if all of this works out – question for you. If the developer is leasing six (6) acres, then why do we need to rezone sixteen (16) acres?

Mayor Sullivan responds that the sixteen acres is to create the appropriate buffer zone. We need four corners of a 100’ buffer zone, and this is the most concise and cleanest way to do it. Taking the HB zone to this location is a continuation of what is going on to the operation across the street and is not spot zoning. We are looking to do Lease agreement; the Town still retains ownership. The legislation passed calls for the opportunity to have that lease be as much as fifty (50) years; we are still in negotiations as to financing. I would expect that we will probably do a twenty (20) year minimum lease on that six acre parcel. We continue to retain ownership; the developer will operate the facility. The additional ten (10) acres are to meet all the required setbacks for Highway Business Zone. In terms of delineating the lines, our proposal is to take the right amount of space or land to make this happened in the most appropriate way.

Shannon Hume as a follow-up asks, outside of the 6 acres up to the sixteen (16) acres Highway Business – what does this mean for this developer and any future developer – does it mean anything? The Mayor responds that we retain ownership of this entire property throughout – we maintain control of what happens to this entire property, and that is a safeguard for the Town.

Councilor Ryan – After tonight, what is the schedule or next steps?

Mayor Sullivan – with an affirmative vote by both bodies, we will move forward. The development team would do a final design, which would then be filed with the Planning Board. My assumption is that would take place during the month of September – the Planning Board would schedule a series of public hearings, with notification to the neighborhood. Upon completion of the review or vote – Our goal is to have this accomplished late fall or early winter with permitting. The construction would start – so my hope is after a thorough review of the plans after the public hearing– that we may be in a position to start breaking ground late fall or early winter.

Councilor Sean Powers – just to confirm for the folks watching from home, you outlined in your memo that the majority of uses allowed in the Highway Business Zoning District are subject to Special Permit from the Planning Board, which provides a further layer of oversight. Going forward with a positive vote this evening, if the developer/operator wants to do something different in the future, it is still subject to Planning Board review.

Mayor states we are the owner (the Town and School Committee); nothing can get done without the owner's permission. If we are not comfortable with this, the process would not even start – unless it is something of a smaller scale that may be contributory to the recreational facility (i.e. such as a storage shed or something smaller). As the owner, we have to initiate any type of construction and approval to move forward.

Councilor Powers as follow-up – any new use on the property would need authorization from Mayor and School Committee. From a Public Information standpoint, I am curious to see an operational plan as to ice time, free swim time and other recreational uses. If you could speak on any operational plans or any other recreational uses, as a Counselor, I would like to know and I'm sure the public would like to know.

Mayor Sullivan – in terms of the legislation as well as and the agreement we are working through with the developer, there are some specific requirements in terms of priority for the town – priority skate times, priority swim times, for our youth groups and high school teams. Nelson Chin, our Recreation Director, and Mike Denise, our Athletic Director, have been actively engaged in the discussions. In addition, there is a requirement within in the agreement that calls for Community swim and ice time. That will be prioritized, as well. As we look to rent space for non-community times, for youth organizations and hockey teams, we will get a significantly reduced rate. That has not been detailed as of yet. Discussions with Braintree Youth Hockey Association and the developer, with Nelson Chin's engagement, the rate they are offering right now is very competitive. We will get a reduced rate for the times we want that site. The majority of the use will be Braintree, but there will be some additional commercial uses as well. The developer is taking a risk in developing the recreational facility on our behalf. We are offering the land and the \$1.5 million from Capt. Peterson. Based upon the responses we are getting from our youth groups, Mike Denise's comments looking for the availability of space, we are going to fill this building up pretty good, but there will be other users, as well, at different times. We will get priority times and reduced rate times, which is locked into the agreement.

Councilor Sean Powers ends with a comment saying he will be supporting this; we have been advocating this for a very long time. The timeline hasn't been what we want it to be. This is an opportunity to benefit many generations to come with a first class athletic facility.

Councilor O'Brien – To clarify, this includes the parcel that is currently the student parking lot and the soccer practice field known as Carson field – so basically out to Granite Street to just give folks a mental picture of it. The rest of the parcel includes the parking lot up to the loop up to the high school.

Councilor Kokoris – This is an amazing and historic night – sitting here with the Town Council, Planning Board, School Committee and Mayor – When you look at the 30-40 years that we have had discussions about building a rink, it was always a question that we need a piece of land to build. With regards to the pool, through a lot of legal work, we are able to build the pool somewhere other than Watson. There was a non-binding referendum, where you would like the pool built. It was the high school; that was the answer. Essentially, the only place we can put this is on public land. From day one of this new form of

government, the Mayor said we are building this pool – it wasn't as easy as we thought it was going to be. Thanks to Rep. Cusack at the State House to make sure through this legislation went through and former Gov. Duval Patrick – we have waited a long time for this complex. We had an event the other night to keep kids from taking opioids. This is an opportunity for kids to stay away from that stuff. The more we offer our children the healthier and safer they will be. This is so important for the Town of Braintree. We have so many hockey players in this town, and our town is so talented with hockey. This pool will be amazing. As the district councilor, it is important for me to support this facility being built because I know the benefits it brings to all the children in Braintree. With regards to what we are looking at tonight, as former Planning Board member, it is the right path to take by rezoning the 16 acres. It keeps things consistent and doesn't create non-conformities. As regards to other venues that might be going on at the same time, we are committed to address any potential traffic impacts. We are finally moving in the right direction.

President Tom Bowes – I want to recognize State Representative, Mark Cusack, who is here in attendance and thank him for all his help with the special legislation. Fifty-two years ago, Capt. Peterson had a one dream for the youth in Braintree to have a place to go swimming – good things come to those who wait. I have been involved for a number of years and I want to thank the developer. It will be a state of the art complex. Braintree residents will be excited, and they will get first dibs on all of the programs available. I want to thank Braintree Youth Hockey and other youth sports that have come out tonight. I think this is going to be great, and I am supporting this measure.

Councilor Ryan – I would like to echo Councilor Kokoris; I was part of the former government and to get the pool built was an impossible task. I want to congratulate the Mayor for working so hard on this issue. This is going to be a great addition to the Town of Braintree.

Chairman Robert Harnais provides clarification and explains this hearing is for a zoning issue. I don't want people to walk away thinking it is all said and done. It's not. There is still the Planning Board process – there is still an agreement made between the Town and the developer that has to be worked out. So, it's a great idea, but we are still at only the rezoning issue. It's going to come before the Planning Board, and we will have a lot more of the "I's" to dot and "T's" to cross. Chair Harnais opens it up to the Planning Board.

Member Joyce – she thanks the Mayor and everyone that has worked on this project – I have two young boys and look forward to spending time at the Peterson Pool in the future. She is in support of the project.

Member Mikami – I would like to remind everyone that the original high school had plans to build a pool and it was voted down – it is terrific to see that this plan finally comes home. Congratulations to everybody.

Member Eng – This has been a long time coming; you are in your 8<sup>th</sup> year as Mayor and you have done amazing things with this Town. I have to commend you with this. You sought out a developer and gave the Town the best possible deal. What an innovative way to move forward for this project. You look for the best possible solutions for this Town, and this is one of them. I also want to thank you because my two grandsons, who live two blocks away from the high school, will be using that in the future.

Member Reynolds – very quickly I want to echo the words of thanks to the Mayor, the School Committee, the Council, and the State Rep for getting us to this position today. So after this vote, which

I have a strong feeling is going to pass, I look forward as a member of the Planning Board to review this plan as it comes forward. It sounds terrific. Thank you.

Chairman Bowes opens it to the General Public:

Tom Devin, 37 Wyman Rd and member of the School Committee – I rise in support of this for many reasons. This Peterson Pool project has been a long time in the making – this will strengthen our town swim and varsity swim programs at the high school. We have one of the bigger and more thriving youth hockey programs in the South Shore. In the past, better players have been lost to private schools. Having this state-of-the-art facility, we will hopefully keep those players. I believe we the people will remain in control of this parcel of land and that is of the utmost importance. I thank the Mayor for that. Lastly for a project of this complexity to be successful, many involved had to be willing to give. It is relinquishing some control, but with an eye to what the possibilities of the project will be.

Dan Cote, 30 Torrey Rd – I want to echo Councilor Kokoris’ point. This is great for the kids; they need to be kept busy. When we look at the opioid problem, to keep kids busy is to keep them out of trouble. We have summer activities between the golf course, Watson Park and Hollingsworth, but we have nothing in the winter. To have the facility and pool year round will keep kids busy, and it will be excellent for them.

No further public comments.

Chairman Harnais calls for a motion – Member Jim Eng **MOTIONS** to close the Planning Board public hearing, seconded by Member Reynolds – unanimously voted.

Chairman Harnais calls for a Motion – Member Reynolds **MOTIONS** for a favorable recommendation to rezone the 15.8 acres from OSC to Highway Business zone, seconded by Member Eng – unanimously vote.

Councilor Bowes upon a receipt of a favorable report from the Planning Board called for a motion.

Councilor Sean Powers read the prepared **MOTION 15 032 (1)** That the Town vote to amend its Zoning Ordinances and Zoning Map, as most recently amended, by re-zoning portions of two parcels of land shown on Assessors Map 1042, Lots 1 and 2, consisting of 15.8 acres, more or less, from the Open Space Conservancy Zoning District to the Highway Business Zoning District. The area to be re-zoned is described as follows: Beginning at the intersection of the existing northerly boundary line of the Braintree High School property with the easterly side of Granite Street; thence about 486 feet easterly along that existing northerly boundary line to a point; thence about 493 feet southerly to a point; thence about 40 feet westerly to a point; thence about 555 feet southerly to a point; thence about 690 feet westerly to a point on the easterly side line of Town Street; thence about 1,104 feet along the easterly sidelines of Town and Granite Streets to the point of beginning, seconded by Councilor Clifford – unanimously vote.

Councilor Sean Powers **MOTION to TABLE 15 031 (2)** Proposed amendment to amend Zoning Ordinances to allow a commercial recreation use by special permit in the Open Space Conservancy District , seconded by Councilor Kokoris – unanimously vote.

Councilor Sean Powers **MOTION** to **TABLE 15 031 (3)** Propose amendment to amend Zoning Ordinances to increase the height of building limit for a structure in the Open Space Conservancy Zoning District, seconded by Councilor Kokoris – unanimously vote.

Planning Board Chair Harnais will entertain a motion to adjourn the joint Public Hearing with Town Council. Member Eng **MOTION** to adjourn this portion of the Planning Board special meeting, seconded by Member Reynolds – Unanimously voted.

The Town Council Chairman accepted a **MOTION** to adjourn the Town Council meeting, seconded – unanimous.

Joint Meeting adjourned at 7:35PM

Present:

Robert Harnais, Chairman

Joseph Reynolds, Vice Chairman

Darryl Mikami

James Eng, Clerk

Erin Joyce

Christine Stickney, Director

Jeremy Rosenberger, Zoning Admin.

Planning Board Meeting of August 18, 2015

7:40 PM – Chairman called the Planning Board meeting and performed roll call of members - all present

**Zoning Board of Appeals (ZBA) Applications:**

Chairman Harnais discussed the Planning Board's role in the ZBA review and approval process. During tenure on the Planning Board, there have been many petitions the Board has given recommendations, asked applicants to make changes or the Board has recommend no action and the ZBA has ignored these comments. Chairman Harnais feels that requirement of a Planning Board recommendation is a useless step - He feels the Planning Board should not be hearing ZBA petitions, but rather have applicants go straight to the ZBA. It was told to the Chair that the Planning Board recommendations "don't matter"; therefore, for the future he feels this should end. However, we will hear the petitions tonight because applicants are here.

Member Joyce commented that the information the Planning Board expertise has to offer to the Zoning Board is a valuable and insightful review – some people have good projects and others have bad projects– it may not be a good working relationship at this time, but we can strive towards something for the future. We all have the best interest of the Town and developers in mind. If they don't take our review and recommendations, I think it is their loss.

Member Reynolds comments that the Chair's and Member Joyce's points are well taken – the overall process for applicants for zoning relief is a necessary process because due diligence by the staff, and the ZBA has no staff. Now we have a new staff member Jeremy Rosenberger that will work with them. Jeremy added he perceives his role as the point person to help shepherd applicant's through the process. Member Reynolds is concerned that our input is not taken into consideration, but the efforts we take and our years of experience with zoning and our recommendations are well thought out. Chairman Harnais questioned if it is a requirement that people appear before the Planning Board?

Christine Stickney responded they may not have to appear before the Planning Board however it is in the town bylaw and state statute that the Planning Board has to make a recommendation and if no recommendation is made a certain amount of time has passed then the ZBA can act on the petition. She added that it appears over the years that practice has evolved and that the applications were deficient of information so applicants were asked to attend Planning Board meeting to explain their projects.

Chairman Harnais pointed out that we have had applicants here that were asked to make changes however continued to the ZBA and they never made those changes and were approved. Christine reported what is going to be helpful now with Jeremy is that he attends both meetings and can transmit, in addition to the written report, verbally why the suggestions are being made.

Chairman Harnais added that we have in fact sent matters to the ZBA with no recommendation because there was not sufficient information, and yet they vote. He is bringing this up because it shows whether we have a recommendation or not, it is not even taken up by the Zoning Board, and we spend a lot of time with applicants. We are only penalizing the people who do follow the rules by asking them to attend our meeting, when others don't or disregard the Planning Board comments.

Christine Stickney commented the administration has heard this concern and created the Zoning Administrator's position as well and has moved the Zoning Board operation into the Planning and Community Development Department; the rest of the department adds support to the Zoning Administrator's responsibilities. She would like to revisit this in a couple of months, but thinks there will be a marked improvement. There is someone present daily to assist the public – Christine added there is a 30 day requirement for the ZBA to act.

Chairman Harnais commented that is troubling when you want to run a stream line government. We have put many hours into our ZBA Petition reviews and recommendations. Member Mikami suggested that Jeremy go back and look at our recommendations that were negative and what the outcomes of the Zoning Board decision were. Member Mikami has suggested that the Zoning Board meetings should be televised, and asks staff if we can we have a follow-up report of the outcomes of our recommendations. Director Stickney feels that now can be done because it is within our department; also, administratively, some of the steps our department has for processing things for Planning Board and three other boards, we will be meeting with Chairman of Zoning Board to discuss and make recommendations.

Member Eng agrees with the Chairman and senses his frustration and suggests the zoning bylaw should be re-written – Christine commented that we are in that process for a zoning re-write, and staff will bring this to their attention. The consultants will be attending a future Planning Board meeting to discuss such matters with the Zoning Bylaw. Member Reynolds discussed the Zoning Re-Write Committee to work on efficiencies and addressing legal aspects.

#### **21 – 23 Tremont Street (Lorraine Tse) #15-22**

Mr. Han acknowledges he is the general contractor for the property owner. They want to add on the front, side and rear porch for the safety of the tenants to have two exits for each apartment. They want to replace porches for public safety and provide additional interior closet space for storage. We are here because it is too close to the property line and the house will look balanced once built. Also the front porch on the left and right will be enclosed to match. If this happens, it will look like the other houses on the street.

Member Joyce questioned which porches are actually being built – the applicant using the plan explained each of the porches. She added on the building coverage it is listed as 37% but it appears higher at 46% when calculated off the plan. Jeremy Rosenberger commented the enclosed porch on the right is not in keeping with the neighborhood 8 x18 out of character. Member Joyce thinks 17' setback is reasonable, and it may be helpful to show what your neighbor's setbacks are.

Chair Harnais asks for the recommendation of the Zoning Administrator. Jeremy Rosenberger felt that it was in line with the neighborhood. He further commented the enclosed porch on the right is not in keeping with the neighborhood. He did not see many enclosed porches on the side. The enclosed porch is a good size (8 x18) and would be a bit out of character. In totality, Mr. Rosenberger felt it was fine, except for enclosed porch. Member Eng asked the applicant if he would keep it open; and the applicant responded that the tenants need more closet space they want it enclosed. Member Eng asked if he understood why it should be left open. Member Reynolds overall he has no problem with dimensions; however, enclosed is another issue – enclosed appears to be another room is being added to the house? Applicant states it is a room.

Member Reynolds Motion to recommend approval based on the fact that it is already existing and as proposed would be in keeping with the general neighborhood; seconded by Member Joyce; all in favor (5:0)

### **30 Barstow Drive – (Annmarie Chase) (#15-23)**

Mrs. Chase explained they are here because we need a variance for exceeding more than 20% of lot coverage under the watershed.

Jeremy Rosenberger provided the staff report, noting the size of the garage is a bit out of character of the general neighborhood, and a garage for more than 3 vehicles would require a special permit from the Planning Board. That would be a further step. There were concerns with potential grading and impervious coverage.

Member Joyce asks just to clarify what triggers a Special Permit from the Planning Board – Jeremy respond that based on the size of the garage it can accommodate 3 plus vehicles. John Chase provided an explanation of the vehicles he has which is RV and a commercial vehicle. He is trying to build a garage to shelter his vehicles and that is aesthetically pleasing to my neighbors. He provided pictures to the members to show that based on angle of house, this would work. Mrs. Chase said that all of our plans meet the setbacks and boundary lines. Member Joyce asked is the garage the only thing that would trigger a Special Permit or will grading also need a Special Permit? Christine explained if ZBA does issue permit, the grading is considered part of the site with the structure. The concern with the size of the structure is the fact that the area or size of structure can provide parking for three or more vehicles, understanding that it is the intent of the applicant to park two large vehicles. The applicant would need to show the Planning Board through the Special Permit process that it is discretionary use. It is the area, 55X27. Member Joyce commented current lot coverage is 12%, and the additional 18% does not include driveways and walkway; this needs to be included. Mrs. Chase said it would be around 40% lot coverage, if pavement is added. Member Joyce questions if the site drains off the back of your property? Maybe you need to think about something so you are not just sheeting runoff to neighbors. Mrs. Chase states there are drains built into the plans, so that has been taken into consideration.

Member Mikami commented to the chairman's earlier comments however you may be creating your own problems because of the size of the project, but it could be a great project. From a zoning standpoint, what would you define as your hardship? Mr. Chase commented that there are other properties we have looked at and lived here for years – I can park vehicles now, but I am willing to build an enclosure so that my neighbors don't have to look at them. Member Mikami explains hardship and asks what if there is ledge where your pool wants to go? Mr. & Mrs. Chase both commented the neighborhood has ledge. Member Mikami commented that there may be more work to be done, as it is hard to evaluate without dimensions.

Member Eng asked about the Zoning Computation Form and a lot of items being not applicable. Can you explain why? Mrs. Chase commented that all setbacks are met; we are not going for a variance because we are going over boundary lines; we are going for a variance because of lot coverage according to the building department. The Zoning Administrator clarifies that accessory structures, such as a detached parking garage, are allowed 5' setbacks. Member Eng feels a lot is being squeezed into a small space.

Member Reynolds speaks about the residential nature of the neighborhood, and it is a large garage to house a commercial vehicle. The size of the garage is a concern. Member Reynolds asks would you be willing to come back with a smaller garage as to height and give up the second floor storage. If you get the variance, you do understand that you will need a special permit and there would be conditions relative to the use and drainage etc. He feels what you want to do is too much for the size of the property. Perhaps you could take a look at reducing the size of the garage. We need to be careful to not set a precedent; the garage is the size of another house.

Member Reynolds asked if they would be willing to withdraw and come back with another proposal. David Chase notes the challenge of the RV size at 26' mandates the length he needs for the garage – Member Reynolds asks if they would forgo the second level and make it shorter in height?

Member Reynolds **Motion** he is not in favor of the proposal as stated presently; however, I would like to give the applicants the opportunity to withdraw without prejudice and take another look at it; seconded by Member Mikami – unanimous (5:0)

#### **79 Wyman Road – Michael and Kathy Ramsey (#15-21)**

The applicants provided some history on their ownership and explained the location of their pool due to the fact that they have an odd shaped lot. The Zoning Administrator recommends that the shed needs to be moved, and the applicants responded it is coming down. Jeremy commented that the pool is existing, but when it meets its expired use (because it is 11 years old) it should be brought into compliance as to the setback. The applicants are adding a deck and they have added lattice and latch gate for safety as required by the building department. Member Joyce asked some minor questions to the applicant who responded that the deck is under construction. Member Joyce has confidence in the plot plan stamped by a Licensed Land Surveyor rather than Town's GIS; so the 2.3 feet setback is good by her. Member Mikami confirmed when the pool was built it didn't meet any setbacks. Member Eng **MOTION** to recommend a favorable recommendation to legalize existing setback; however, condition that when the pool comes down it must meet the required setback, 2<sup>nd</sup> Member Joyce – unanimous (5:0)

#### **PUBLIC HEARINGS**

##### **Billboard Special Permit/Site Plan Review – 236-240 Wood Road (Total Outdoor) File #15-10**

The Chairman opens the public hearing for 236-240 Wood Road and noted the request for a continuance by Attorney Lynnea Taylor. Member Reynolds **Motion** to continue the public hearing to 10/13/15 at 7:30 PM, seconded by Member Eng -- Unanimous – Members and applicant signed a Letter of Mutual Extension.

### **Billboard Special Permit/Site Plan Review – 290 Wood Road (Total Outdoor) File # 15-08**

Attorney Lynnea Taylor is present on behalf of the applicants. A brief presentation of what has happened since the last public hearing and noted she had filed a memorandum into the record in July to address questions from last hearing. In addition, there was also a peer review performed, and we have addressed this with supplemental information on July 29. Attorney Taylor questioned the PCD Director if there had been any review submitted by the Peer Review and Ms. Stickney responded no. Attorney Taylor noted the site plan has been updated with requested information, soil borings, billboard faces and the calculated fall zone information is included in the packet. She also noted the Planning Board's question of the billboards across 128 and the Outdoor Advertising Board (OAB) issue of billboards across the highway has been answered as to distance apart. Using an aerial photo she demonstrated the horizontal distance of the two proposed billboards away from the existing billboards on Forbes Road and that are both well over the 500' OAB requirement away from each and they exceed that distance. She provided members with pictures of a crane on the site that shows the 75' height of the billboard in response to member's questions as to average height across the state. She argued the 75' is necessary at this time to limit the need for tree cutting for visibility. In response to a resident question at the last meeting of the view from the Blue Hills Cemetery, Attorney Taylor acknowledged they drove through the cemetery and it will be seen from various locations and based on the time of the year will be more visible from locations.

With Attorney Taylor was Total Outdoor's consultant Kieran Kearney from GE Modeling LLC, who presented a virtual shadow study to the Planning Board and public. Using Google Earth Professional, he explained how he built a virtual model of the billboard and geo-located in Google Earth. The presentation provided different views: one taken as a bird's eye view, second view as seen in traffic on route 93 heading in both directions, the third view from a location on Wood Road at street level into the site and the final view directly downward on the billboard, showing shadowing. Chairman Harnais questioned at the view from Rte. 128 if someone is looking upward if they could see it what does that do and how far away is it? Mr. Kearney acknowledges the further you are away in distance the harder it is to see but it comes into view as you come closer. Chairman Harnais asks what happens now if the driver is viewing and it screen switches what happens with the driver. Mr. Kearney felt that questioned should be answered by another associate on the team. The presentation also included the billboard shadows taken at three different times of the year summer (longest day of the year) & winter solstice (sun cuts its lowest arc of the year), and autumn equinox (12 hours of daylight & 12 hours of dark). Finally in summary, sometime during the year the billboard would cast a shadow cover a track between these two dotted lines. Member Mikami asked if the sign were lower in height what would be affect with the shadow and Mr. Kearney said the pattern would get a bit smaller. Following up, Member Mikami asks if at 50' what the impact on the drivers and Mr. Kearney answers the shadow has no difference than a shadow of a building or tree, as it is not a moving object. The difference would have no meaningful impact on drivers. Mr. Mikami pursued noting the lower height would create less of a shadow and have no impact on the drivers, and Mr. Kearney agreed that is true. Mr. Kearney added a building or tree, which is static with no moving shadow, doesn't have any impact on the driver; however, a wind turbine shadow that is moving has more of an impact. Chairman Harnais states, based on that analysis, a moving sign would have more impact on drivers. He returns to his original question as to drawing a driver's attention away from the road and his concern that, as they approach, they look at the sign, and if it turns you look at it longer in an upward view? Mr. Kearney again comments he is not the right person to answer and Member Eng questioned if there has been a study about distraction? Attorney Taylor commented that is not a shadow question.

Tom McCarver of Total Outdoor said the State did a study/pilot program had been done and has been found to be compliant to state standards. That is why we can apply for these types of sign now and that study has been complete for a while. – Chairman Harnais questioned was the study done with the same characteristics of a sign like this one up on a slope? Mr. McCarver responded they vary from site to site – Chairman Harnais says we have to acknowledge there are different characteristics of each of these sites either flat or elevated and doesn't it distract the driver having to look upwards – he had driven it and you are looking upward and it takes your attention off the road. It is troubling that a driver may look up and the sign changes and their eyes are off the road for a time. Mr. McCarver responded signs are built not just in the Boston area but everywhere from 35' to over 100' feet throughout the country, and as you come into the sign view of these signs, there is a view angle however once you are passed that angle you are not looking straight up at it. Chairman Harnais clarifies his concern that, as you approach, the sign changes and I want to catch it – I am asking, you don't think that is a safety issue? Mr. McCarver answers no, and Chairman comments he thinks it is; he asks Mr. McCarver if he can find a study with the same characteristics of height and location as this site that proves not to be a distraction; I would appreciate it if you could please provide it.

Member Mikami asks for studies, not just Massachusetts or business standards that we need to know factual information about driver distraction relative to the height of signs; there has to have been studies to be provided regarding driver's distractions. Member Joyce asks about the State review and if they had certain regulations or recommendations for billboards of a certain heights. Mr. McCarver said in the Pilot Program they did not list the height; they look at the same issues as the board. It is an obstacle issue not because we want to be prominent in the sky. It is all relative to what you have in your surroundings. Member Joyce asks about vegetation along the highway and if it can be balanced and the existing tree height. It appears that 75' is significantly higher than the vegetation. So let's say we could see it at different heights from a view shed at 65', 50' compared to 75'. Mr. McCarver offered that they can hang a frame from a crane to simulate different heights of the sign to assist the members concern – Member Eng asked if there is a similar sign of the same height in MA that we can drive by. Mr. McCarver answers all signs are unique to their environment. Chairman Harnais notes that is the point he originally was trying to make with driver distraction. Mr. McCarver cites that in his experience he has not run into a safety concern on digital yet – Chairman Harnais directly asks how many accidents have occurred because of billboards. Mr. McCarver responds zero. The Chairman asks to clarify that every single accident in that study was looked at as to what caused the accident. Mr. McCarver commented that both federal and state have come to that conclusion to the best of his knowledge. Chairman Harnais has a safety concern that there is no study that shows billboards distract – it is an unknown conclusion. Attorney Taylor and Chairman Harnais discussed further the meaning of safety. Attorney Taylor states there have been no accidents that have been proven to be caused by billboards. They are allowed by the State and by the Braintree bylaw; someone has looked at these to say they are safe to be allowed. Chairman Harnais says it is allowed, but the local city or town has certain standards by which you look at them in the ordinance. Safety is always paramount when any decision is made. Member Joyce brings the issue of height as it relates to the driver distraction and if it were to be lower is that a marketing defeat. Mr. McCarver said if he can bring it down to a lower height there is no greater opportunity for company; however, at 50' the sign cannot be seen because of the vegetation – we need to be 60-65' height to be seen, and our goal is to get above the tree line. The height study will allow us to show you at different increments and we will take photos. Christine Stickney suggested the horizontal view at various distance should be provided, as well with vertical height increments (i.e. the distance back).

Member Mikami asked if they could plot on the roadway where you are first going to see your sign. Inevitably, these trees will continue to grow. It begs the question you can't see it coming from the south – so you can only really see it from the north so make the sign lower in height. Mr. McCarver commented that once this is an established use we are allowed state right to trim those trees to maintain our view shed where it was when installed. Member Mikami asked how short you can cut the trees. Mr. MacCarver asked that he be allowed to come back with a look of it before stating a height. Member Mikami asked if you could submit something factual about that trimming and questioned if the sign is a fixed location (i.e. welded in place) – yes by McCarver base never moves. Member Mikami would like to know the impact of storm conditions and the fall zone as described in the Dactronic's memo. I would like to have you bring something back factual about how signs react in emergency weather conditions. We have to be concerned it doesn't fall onto the highway.

Chairman Harnais asks if the use is established and we hypothetically permitted something that is 10' high can you then cut the trees down. Mr. McCarver answers it is the view shed allowed at the time of construction, and then we need to make a state application, which we take pictures of the sign when we build them for historical document. Chairman Harnais asks when permitting you cannot permit something lower and then go to the State and ask to cut down those trees – that is important.

Member Eng commented, looking at the pictures you gave us tonight, they show some totally void of trees; it appears it all depends on the angle the picture is taken from. Can't you go to the State and ask to trim down 20' and bring the billboard down lower. Mr. McCarver comments he has to have an established use before the State would entertain an application for tree trimming or removal. Member Eng continues if we set a 60' height which we feel is the least distracted angle, could you ask them if you could trim 15' of vegetation. Mr. McCarver I don't have experience with that – I don't know of situation where they would chop down 20' to view the sign.

Member Reynolds asks is 75' feet from ground level and the elevation of the base of land – Attorney Taylor notes a 132' above the highway and member Reynolds said so the sign is 75' above that height. He is pleased there will be a height study and he points out the trees that obstruct the view are on the first picture. What is the distance from the trees to the billboard base? Member Joyce asked the applicants to inquire with the State if there will be any vegetation clearing proposed for this area.

Member Reynolds **MOTION** to continue the public hearing to 9/29/15 at 8PM; seconded by Member Mikami; Unanimously voted - A Letter of Mutual Extension was signed by the applicant.

**(9:20PM) Special Permit/Site Plan Review – 166-195 Forbes Road – K.W. Braintree LLC (Marriott)**

Chairman Harnais read the legal advertisement for the application.

Attorney Frank Marinelli  
Bob Carroll (hotel developer)  
Ara Aftandilian (hotel developer)  
Steve Charnard, Project Engineer of Allen & Major

Attorney Marinelli introduced the team and the application before the Planning Board. The proposal is to redevelop #166-194 Forbes Road, presently a 66,000 SF office building, about fifty years old, that does not lend itself to any redevelopment and is currently obsolete. We were here before the PB for relief from Zoning Board and the Planning Board approved the variance request. The hotel use is a "use

by right". It will be accompanied with a 7000 SF restaurant – using aerials he shows the existing building from two views and then the new hotel and restaurant pad. The current building does not lend itself to any kind of rehabilitation; it is functionally obsolete, and it is under parked by 188 for the office use that is there today. We will improve on that; our parking has allocated at 144 rooms at 1 space per unit. We have 226 parking spaces. Before you have a non-conforming building, non-conforming front yard issue and other non-conformities along with a use that creates for more traffic demand. Afterwards, you will have a transformed site with a brand new Marriott Hotel and 7,000 SF restaurant. There is no landscaping out there. We will introduce a new landscape plans with various trees, shrubs and perennials – so for the first time, in addition to a better use by right, you will have a much improved streetscape that will have landscaping as per the proposed plan. The staff reports mentions that it is an approved use; vehicles trips at peak hour are reduced, and aesthetically in addition to the landscaping this is a red brick facade you will see from Route 93/128 south when you come up on the ramp to the South Shore Plaza Exit. We have reviewed the staff report that essentially asks for four things that we will provide: (1) a parking study because the restaurant is approx. 7,000 SF – we have 27 parking spaces in reserve. and we don't see need for the additional pavement, more open space less asphalt. The project has 35.5% open space as compared with the requirement of 25%; we are significantly above the Highway Business open space, and we have also reduced the building footprint by 40%. Overall what we are proposing is an improvement. We will do as requested in the staff report with the additional parking. There is also a request to talk about extending the streetscape down to 220 Forbes Road, which is the four story office building. We have talked with the owner to get a landscape plan for that site as well for the continuous street scape, but that is not our property and we are not responsible for it. It was just an investigation, and we will work in good faith to encourage that. There is also a request to take a look at ADA compliance from this site out to Forbes Road; we will look at a design for the seven locations – these are mitigation requests that are off-locus and don't have specific relationship to our site, but it is in the staff report, and we will take a look at that. The staff is recommending draft conditions for the next hearing. We have submitted everything necessary, and we have a few revisions underway.

Member Joyce questions the ADA improvements off the locus, can you just identify on the photo where these are? Ara Aftandilian shows the locations, and Member Joyce questions further would it be reasonable to construct a sidewalk along your side of the road. Ara Aftandilian responded there is a lot of ledge on our side of Forbes Road. Member Joyce notes within your site at the cross-walk would it be possible to create more of a pathway within your lot to reach your restaurant so they don't have to cut across the parking lot perhaps along the parking areas? Ara Aftandilian agreed to take a further look at it. Member Joyce asked about the extension of the landscaping proposed 220-224 Forbes Road extending the green buffer between the road and your parking? Ara Aftandilian responded they had discussions with the property owner, and their landscape architect is putting something together to improve and provide consistency with the landscaping.

Member Joyce asked about the reserved spaces as mentioned in the staff report. Attorney Marinelli commented the project proposes 226 parking spaces with 34 spaces that have easement obligations to the neighboring office building during day use; they are available after 6pm for the hotel and the restaurant. He continued, it is our thought and supported by the parking study that we don't need to have an additional 27 spaces; we will make the reserve accommodation and he added in his experience that most reserve is never called upon. Ara Aftandilian states the reason we added reserve spaces is because your ordinance does not have a shared parking ordinance – those shared spaces cannot be used for our parking calculations but are a great shared opportunity. Bob Carroll adds a limited service hotel of this type is usually empty all day. People are there are at night and both business traveler is out

working and leisure travelers is out touring during the day. It works well next to office buildings because of opposite uses. Member Joyce questions further – looking at reserve spaces wouldn't that be a significant amount of work to build those spaces out and Ara Aftandilian states yes it would but it is feasible. We have looked at what it will take to construct that, but it will take a significant amount of work with ledge removal and retaining walls construction and we don't see the need to construct. In the hotel business, nothing is worse than having a guest say there is nowhere to park. We operate under a license agreement with the Marriott, who have has strict parking standards. Ara Aftandilian states they will include the grading that will be necessary to construct those reserve spaces; it's primarily more retaining wall. Member Joyce's last question is relative to drainage and might be better suited for the site engineer. Given the site drainage on-site, the staff's report had several questions regarding TSS removals, water quality improvement, why we are proposing infiltration and why we are not doing some other additional storm water management – have you gone through the Town's staff's comments?

Steve Charnard, project manager, civil engineer, with Allen & Major Engineering, responds yes we did review the staff comments. Adding, they will provide the drainage calculations on water quality units on each of the drain lines prior to discharge that traverse the site. We know we can get the required TSS for removal. Why we haven't proposed storm water infiltration for roof run-off is because under the Wetland Protection Act standards we have a better condition than we do under existing conditions. We have reduced the amount of pervious surface so we are a redevelopment – we only have to do improvements to the greatest extent practical. Since we don't have to infiltrate anymore because we have increased the landscape area, we have not proposed it. The additional calculations we have been asked to do is what happens if we are looking at the issue of having to do the reserve parking – we are redoing the calculations to verify the storm water components are adequate. We will be doing that design and characterize the soils through test borings to determine groundwater depth, but now we will be looking at it further.

Member Joyce concluded with a general observation relative to the Stormwater Report – noting the report calls out the ledge as an A soil and the flat areas as urban soil C, but in the stormwater report everything is modeled as A - not sure if A is the rate classification – if it is C, there are recharge requirements and her point is that it should be the same when modeling. She added that she would like to see recharge if the soils are in fact C and comments if they are greening that is something else. Mr. Charnard agreed to look at it when they do the next analysis and will address the different soil types.

Member Mikami commented on the economic impact and asked how many employees are anticipated on your staff say fulltime or part time? Ara Aftandilian responded that for a 140 room hotel, the maximum shift might be around 12 employees – the max. # 30-40 employees overall, with some being full-time and some part-time. Member Mikami asks if they have been factored into the parking. Mr. Aftandilian responds yes, and they encourage staff to park far away from entrances. Member Mikami asks will there be a conference area? Mr. Aftandilian responds no – only a small board room used by hotel guests. Member Mikami comments is typical to have a van service to the Logan express, South Shore Plaza or the T station will you being doing this? Mr. Aftandilian states they are looking at providing a shuttle to the T station and Logan express and the plaza from an operational stand point. Member Mikami appreciates the fact that they are working with other neighbor; the whole corridor can benefit from the beautification. It is an important thing; any time we can make things better, that is what we try to do. Also, what is your snow storage plan? Staff's report asked if there any building lighting? Mr. Aftandilian states we will be submitting a revised set of plans with down lighting on the building and will be on the revised submittal. Member Mikami adds that you commented last time about the restaurant, do you have a tenant or will you be providing your own – Mr. Aftandilian states

they will lease the restaurant pad and the restaurant operator would build the restaurant with our design review, but the intent is we will not be operating it. Member Mikami ask will it be part of the building envelope – Mr. Aftandilian has discussed this with staff that it is very likely that the review of those building elevations would be subsequent to this the hotel development project approval.

Member Mikami asked how many seats are anticipated in a 7,000 SF restaurant. Mr. Aftandilian responds that right now it includes 275 seats with parking calculations on the site plan are based on that number – the seat count may be decreased, and we wanted to provide the worst case scenario or the maximum amount of seating – it is likely that it may decrease 10% -Member Mikami asks will the restaurant be evaluated separately by us or is it part of the whole plan. Mr. Aftandilian states it is part of this submission. Attorney Marinelli added the restaurant pad was a separate pad and it was included in zoning calculations on the site plan and the parking calculations.

Member Jim Eng asked, to return to the discussion of the ADA issues, citing the scenario a person that may be staying at this Marriot could traverse to anywhere in the South Shore Place or South Shore Plaza with no grade issues or are there any grade issues steeper than a wheelchair can traverse? Mr. Aftandilian states it is very likely that there are some of the grade slope existing conditions that may exceed the 1:12 slope; we were asked to look at it and we are going to discuss that with staff in terms of what can be proposed. Attorney Marinelli commented that we were asked to look into it and do the design – that is a significant expense that they are undertaking with seven crossings - we will at least do the design for those seven crossing. Member Eng commented more than the seven crossings is just making sure you have the proper grades that a wheelchair can traverse to all points. Attorney Marinelli suggested looking at Staff's report page 5 of 8 reading "to evaluate the ADA accessibility of the sidewalk system from Forbes to Granite", which is the seven locations.

Member Joe Reynolds, just a follow-up on the conversation around the shuttled service – the MBTA has a service "first mile/last mile" an initiative with communities around the Boston area to provide services to T stations, and as part of your mitigation, are you willing to participate in some type of service that would help with the traffic. Member Reynolds asked if they will be putting an irrigation well in. Mr. Aftandilian's response is we are likely to seek to add a well, although site conditions given the ledge may not warrant it. We need to look at the geotechnical report; however, our landscaping is proposed to drought tolerant, and we realize that we cannot use town water for irrigation. Member Reynolds asks question with regard to building structure. Mr. Aftandilian responds that is a Marriott Residence Inn standard – an outdoor patio directly off the public space with a small gas fire pit for hotel guests – well utilized area. Chairman Harnais has no questions.

Attorney Marinelli commented they we have an extension period for the purchase and sale agreement, and we are trying to pick the contractor and get into the ground as soon as possible - would the Planning Board allow staff to work on draft conditions for the next meeting.

Chair Harnais opens discussion up to the public.

Katie Belgard, Political Director for SEIU 1199 Union provided handout materials to the Planning Board members. She represents SEIU 1199 union with over 18,000 hotel service workers in MA and 145,000 cleaners and security officers across 11 states. We have seen recently with KS Partners the outsourcing of jobs to others making only 16.81/hour and cutting benefits. The Hyatt down the street is serviced by Local 26. To the best of our knowledge, this hotel once built is not planned to be a union hotel, which helps to maintain standards for those workers. We are asking our public partners to stand with us to

make sure folks that work here can earn a living with good jobs and fair benefits. With the cost of living going up in the Boston area, we are asking as this project goes forward, that the Town considers who we are bringing into the town and what they have done in other communities in terms of job standards.

Ms. Stickney questioned the applicant given the requirements of the staff report would they be able to make a September 14<sup>th</sup> deadline for revised materials? The applicant responded yes.

Member Eng Motioned to continue the Public Hearing to September 29<sup>th</sup> at 8:45PM; Seconded by Member Joyce – unanimously voted.

**Request for Extension of Time to Exercise Special Permit/Site Plan Review Decision – File #13-10  
35 Rocsam Park Road – Franmar Properties of New England LLC**

Member Reynolds MOTION to grant a one year extension to 9/13/2016, seconded by Member Eng; unanimously voted.

**(10PM) Special Permit/Administrative Site Plan Review - Landing Apartments LLC  
19-19A, 37 Commercial St.**

Attorney Frank Marinelli  
Hugh Russell, Architect  
David Kelley, Project Engineer

Attorney Marinelli provided a brief presentation on how the project has come before the Planning Board today and cited the community support to restore the vibrancy with the Braintree - Weymouth Landing. The site is approx. 2 acres, and this is a transformative application in which we are taking a blighted area and creating a transit oriented development with 172 market rate residential apartments located above 11,486 SF of first floor retail. They have been before the Planning Board on May 12 and June 23. He noted the applicant, Josh Katzen, has made a substantial investment into the project and the future of The Landing – he is unable to join us tonight due to a family commitment. Attorney Marinelli discusses the importance of redeveloping this area and what is proposed for transit oriented development.

Tonight we are here and we have seen the draft report of conditions and we are here ready to address it. David Kelley, our Project Engineer who prepared the plans, is here. This is a mixture of units that is appropriate for young professional or empty nesters, and the proximity to the MBTA commuter rail platform is a great for the development. We have a quality developer in Mr. Katzen; he has over 30 years of experience, which he has demonstrated.

Hugh Russell, architect for the project is on the Cambridge Planning board, has used the topography of the site in a creative manner to embed 198 car parking garage within the building where the topography slopes down. We have a parking ratio from the Braintree Overlay District, which was recently adopted, of .8 per unit requirement; that is 138 parking spots for 172 apartments. We have 198 internal parking spaces with 60 excess parking spaces provided for the project. We are taking down approximately 32,000 SF of commercial space, mentioning the existing businesses; so those buildings, on this approximate one acre of the two acres--where you have 32,000 SF of older buildings, are coming down,

and we are replacing it with 11,486 SF of retail. We have addressed all the issues of the past two hearings; we have attractive landscaping throughout the site, we have created an archway and pedestrian path walkway; we have answered two RFP's for the acquisition of the area.

In the interim, you have a developer who has invested his own money, extraordinary amounts of money, in acquiring property involved in this project. You also have the PWED grants that paved the way for the private investment that is being made. The PWED, accomplished through the leadership of Mayor Sullivan, provides a catalyst for redevelopment. The PWED grants accomplished the street scape, the lanterns, the lighting, the crosswalks that provided impetus for the private investment that now follows.

Attorney Marinelli comments they are creating a community, living in the landing, to support the small business, and bringing vibrancy to the Landing. John Connery our fiscal expert has submitted a report that has shown a strong positive cash flow to the Town of Braintree – the economic component of this redevelopment is very significant for the Town. Attorney Marinelli noted Rep. Cusack's letter of support for the project.

Last time we were here, we had our neighbors at Trio who were the only ones to speak, and they have now sent a letter of support for the project which is in the record. Chairman Harnais referenced the letter he did not read the whole letter but did note their support.

In conclusion, Attorney Marinelli believes have submitted all of the necessary information, we thank and acknowledge the public officials for their support and we have made a substantial investment. It has been a two year planning and implementation project and thanked the Mayor, Town officials and the Planning Board and staff for their assistance.

Public Comment:

Ann Pollard, I am speaking on behalf of the owners of Trio and 4 Square restaurants located on Commercial Street – I am pleased to report that we have reached an agreement with the owner and Trio's lease hold rights within the proposed site. The Landing has great potential and the investment of a new development will improve the area. I am confident that this Board and Mayor Sullivan, will work to support the small businesses and protect those living in and around the in the Landing. I encourage you to approve this project.

Peter Foreman, President/South Shore Chamber of Commerce, with our affiliate chambers Weymouth Chamber and the Braintree Chambers, who are in support of this project as well. The three Chambers have been actively supporting the redevelopment of the Landing, and this is the ideal project for strengthening the neighborhoods in the area. The idea of a Transit Orient Development (TOD) project with amenity services is the formula to fix the Landing. We have heard of only positive reaction from those on the South Shore of those that have worked with or leased from Mr. Katzen as to his ability to construct and manage the development. We whole heartily support this project.

Robert Kearns, 200 Pilgrim Road, commented that this is a great project as a TOD, and it will be great for Braintree to get people living in the Landing and making use of public pathways near the river and invest in the local businesses.

Councilor Stephen O'Brien, representing District 4, read from a letter that he has submitted into the file. The letter provides supports but with some caveats to this support. His platform is controlled development, to preserve open space and maintain as much character as possible. First the landing needs revitalization, citing that the \$2.4Million Public Works Economic Development (PWED) Grant has enhanced the Landing; second, the zoning is in place when I came to the office; next is the parking situation for the residents and businesses, citing the municipal parking lot and how it is used daily and during the weekends. Parking should be a major consideration of the PB decision. Commercial deliveries in the area that exists now with double parking in traveled lanes, but they are a nuisance to traffic flow – deliveries to the rear with off-hour delivery times should be a consideration with this new development and taken into consideration.

Caveats: Consider setting aside small number of below market rate not low income rates to be blended in with the market rate units. Second, the traffic study appears to have a low generation of traffic which is a concern – it should be considered or further studied to close the Commercial Street Weymouth side of FL Wright connector. Including those noted above.

The Chair now opens discussion to Planning Board.

Member Joyce encourages the development to be permitted; however, parking and traffic is a big concern and it ties into the draft conditions particularly condition #81 – 60 surplus spaces. Attorney Marinelli – Braintree has been more lenient parking requirements; he cites the difference between Weymouth and Braintree, noting the MAPC study done a number of years ago. We have met the parking requirement – he notes the buildings coming down and the change in uses as well as the RFP's that requires 35 plus parking spaces be reserved in the municipal lot but maybe as many as 46 spaces when it is all said and done. Both Braintree and Weymouth Town Engineers have agreed to look at the timing of the traffic signals and see if there can be some adjustments as to the turning movements. He adds this is the first type of TOD development, and we are ready to accept challenges and will have to monitor it closely. We anticipate we will be back to talk with the Planning Board. Member Joyce clarified her question that your garage maybe underutilized, and if there was a need of parking for the revitalized commercial area – is there a scenario to provide public parking within the garage? Attorney Marinelli said it is most unlikely because it is a card security parking garage – we have to be market rate to be economically feasible – we cannot say at this point that any of those garage spaces would be used, but it is too early. Member Joyce asked about the entrance and exit of the garage – and the line of site.

Ms. Stickney interjected and asked to comment on condition #81 that the second part of the condition was to allow in the future, if there became a need for retail tenant space, the garage could be portioned to have residential and retail, as is a common practice in the Boston garages. Member Joyce commented on the donation of kayaks and paddles to both communities and wondered where they are being stored. Christine noted the facility at the corner of Gordon Road, how they would be used and where. Attorney Marinelli commented on the garage locations and the approval of the Police and Town Engineer. Member Joyce asked if there were any tenants for the retail area, and Attorney Marinelli commented not at this time, but they have been approached by different users.

Member Mikami commented that it will be important to keep the Landing running with this construction, noting Councilor O'Brien's comments highlighted relating as to the parking, traffic and deliveries – asking Christine - do we have enough flexibility in these conditions to make adjustments depending on how things progress – citing condition #39 – the initial start of site development – does it give us enough flexibility to keep it open for the businesses there to be run, and he commented that he

was not sure if closing FL Wright Connector is the right idea or not – do you feel that the conditions have enough flexibility in them? Christine noted there are three conditions that deal with deliveries (40, 75 and 78); as to condition #39 the parking lot, this has been a point of discussion in the last 24 hours; we can work with them as the project progresses; when the project is all said and done, we will have 45 spaces brought back in; it is just a matter of staging and moving the project. Member Mikami stressed that keeping the Landing going is in all of their best interests, and closing the lot may make sense, but taking away spots is not would not be a good thing to start with – we need to keep the parking lot open as long as we can during site development and negotiating it as we go. Attorney Marinelli has no problem reporting to the Planning Board, however, notes it is a staging area with fencing and public safety is important – we may have to work with the Town during certain stages – they will work to keep as much open as possible, and in the end it will work together. He cited other lots in the area and creating a pedestrian friendly environment with their projects, but there may be times like when shoring walls are being installed, we will need to communicate with staff – public safety will be important. Member Mikami states his emphasis is to keep parking open for the existing small businesses. Attorney Marinelli said that the number, when you put the construction fence up, is 26 spaces on the other side of the fence and not 31 spaces and should be noted. Member Mikami asked that we have regular updates on the project provided to the Planning Board and staff.

Member Eng asked about parking do you have enough available for visitors – Attorney Marinelli we have 198 spaces however it is a TOD project. Member Eng comments, when this becomes popular with restaurants and businesses on both Weymouth and Braintree, will we have enough parking? Attorney Marinelli notes that he is not sure that there will be a lot of businesses because it is not a shopping mall. There are physical constraints. Member Eng stressed not to get into a jam later and have an issue with parking; if it becomes very successful, where you are going to put everyone? Attorney Marinelli notes that we meet the parking standards, MAPC says there is plenty of parking, we are next to the under-utilized MBTA station, we are eliminating commercial space and we will encourage employees to use public transportation. We feel we will be part of the solution to move the Landing forward. Member Eng asked about condition #65 – re: the Weymouth Traffic Engineer recommends timing changes– you are aware it is congested during the rush hours and are you planning to follow the recommendations. Attorney Marinelli we have met with the Traffic Engineer a couple of times and we have discussed these traffic signals; Member Eng is concerned with left turns out of the garage, and Attorney Marinelli noted there are right turns only out of the garage and there have been discussions relative to the Fore River bridge mitigation and changes that would be implemented.

Member Reynolds summarized the previous comments relative to parking, he asked about a snow removal plan? Christine commented that we have a condition (#76) that has an extensive snow removal that is required to be submitted. Member Reynolds asked about Councilor O’Brien’s suggestion to close the FL Wright Connector, wouldn’t we have to consult with the MBTA. In addition, we have a condition that you can only take a right out of the garage. Attorney Marinelli confirms it is a multi-governmental situation, and Member Reynolds notes it is not so easy to close the Connector. Christine noted that FL Wright was part of the Greenbush mitigation, and it would certainly have to be discussed with the MBTA. Member Reynolds noted that there has been a lot of discussion about changing our transportation system. This is going to promote less traffic on our roads, more pedestrian traffic and utilizing public transportation, which means that we have to have multi-unit living areas within these transportation regions. It is not going to happen overnight, but we have to also maintain our ability to draw business in--our economic viability. A project like this directly supports the kind of community that is going to be economically strong and vibrant, with the ability to provide housing options for young folks to support our labor market. As more projects come in similar to this, we will see more use of the public

transportation system. Attorney Marinelli commented on the studies related to mixed use and providing housing options for younger professionals, the commuter profile. On page 9 of the staff report, Christine quotes the Bluestone report, which supports this type of housing options.

Member Reynolds did recognize Robert Kearns who spoke earlier as a recipient of a MAPC Scholarship for his work in environmental planning.

Chairman Harnais commented this is a good project, citing projects in Quincy that are showing these trends. There will be traffic, but overall it should be good for the Landing.

Member Eng **Motion** to accept the correspondence from April 17, 2015 through August 17, 2015 into the record; seconded by Member Reynolds; unanimously voted.

Member Reynolds **Motion** to close the public hearing; seconded by Member Eng; unanimously voted.

Director Stickney pointed out two conditions – condition #4 is missing the performance guarantee amount and then condition #39 to change 31 spaces to 26 spaces. Chairman Harnais wants someone to come periodically for reporting to the Planning Board – the applicants agreed.

Member Joyce had a quick clarification with site utility plan; some of the roof drains look like they are within the public right of way (ROW); make sure the roof drains for the building are on the property. David Kelly, Kelly Engineering Group, explained they are designed to stay on the property and will connect with the municipal storm drain system on Commercial Street and into the culvert on the back.

Member Reynolds **Motion** to approve the project with the conditions as written and as amended by notes from Director Stickney; seconded by Member Eng; unanimously voted.

**Administrative:**

Member Eng **Motion** to approve the minutes of June 9, 2015 and June 23, 2015; seconded by Member Reynolds; unanimously voted.

Member Reynolds **Motion** to adjourn the meeting; seconded by Member Eng; unanimously voted.

Adjourned at 11:20PM

Respectfully submitted,

Christine Stickney,

