

At 7:54 p.m. The Planning Board returned to Cahill Auditorium following Executive Session and Chairman Harnais called for a Motion to close the Executive Session pursuant to Mass. General Laws Ch. 30A, s. 21(a)(3), he then called for the roll call vote.

<i>Mr. Robert Harnais, Chair</i>	<i>yea</i>
<i>Mr. Joseph Reynolds, Vice Chair</i>	<i>yea</i>
<i>Mr. Darryl Mikami, Member</i>	<i>yea</i>
<i>Mr. James Eng, Clerk</i>	<i>yea</i>

Vote: 4:0:0

Mr. Harnais then announced the regular Planning Board will reconvene.

Zoning Board of Appeal Petitions – December

ZBA (13-52)

691 Washington Street / Robert Gibson

Mr. Gibson addressed the Board and stated he is seeking relief to install a new shared deck for a second egress in the two-family house. He explained the two separate units he owns are family occupied, specifying that it is not income property. He wants to build a deck so his grandchildren will have a place to play, saying also that the yard is unusable for children.

Mr. Eng questioned the setback numbers; he asked Mr. Gibson how close he is to his neighbors. Mr. Gibson said the neighbors' garage is 2 FT away on one side and a gas station is 1 FT on another side. He said all the properties surrounding him are in violation.

Mr. Reynolds asked if he read the Staff Report or spoke with Staff and asked if the violations were pre-existing. Mr. Gibson said he read the report, met with Staff and that the violations are all pre-existing.

Mr. Eng asked if there was a chance of building the deck on another side. Mr. Gibson explained that there is no egress on the other side of the house.

The Chair had no further questions and called for a Motion.

Mr. Reynolds made a Motion for a favorable recommendation; seconded by Mr. Eng.

Vote: 4:0:0

ZBA (13-53)

7-11 Independence Avenue / Scott Palmer

Attorney Jack Garland, represented Thomas Fitzgerald and Scott Palmer
Arthur Choo, Architect, Choo Architects of Quincy

Jack Garland, introduced himself, the Applicant and the Architect

Mr. Garland addressed the Board and said that the Applicant is seeking relief to construct 36 residential units on four floors of residential living with underground parking.

He said that this is the same Proposal that was submitted in March or April of 2013 except a change in the parking. He further explained that he applied to Quincy for a parking lot within the parcel (on the Quincy side). Additionally, Mr. Garland said that the Parking Garage that is located under the building now has a separate entry; an exit and it no longer has a lift system.

Mr. Garland reiterated the prior Planning Board concerns of maximum building height and shortage of open space per unit. He argued that although the project is not in keeping with zoning requirements, it is much like the existing buildings directly next to the property.

He continued saying the condition of the property is still not addressed, it needs to be cleaned up and the back taxes due to both towns remain unpaid. He said there is approximately \$1.5 million needed to remedy the cleanup and back taxes, suggesting this as the reason they planned 36 units.

Mr. Mikami clarified with Mr. Garland that there has been no change in these plans, other than the parking. Mr. Garland said there are no changes from what was previously submitted, no further consideration for open space, only the parking has been improved.

Mr. Garland discussed the Staff report but deferred any cleanup questions to Mr. Fitzgerald.

Mr. Eng asked if Mr. Garland agreed with the Staff Report. Mr. Garland said the relief the Applicant is seeking depends of the topography of the land.

Ms. SantucciRozzi explained that the shape of the lot is a hardship; however, if you create the shape, you cannot claim it as a hardship. Mr. Garland clarified that the topography of the land is the hardship.

Mr. Reynolds asked about the discrepancy of open space per unit. Mr. Choo explained how he arrived at the numbers.

Ms. SantucciRozzi questioned the different depictions of the walkways as shown on the various plans. She said the discrepancy is what is causing the differences in open space and her calculation is based on the numbers in the zoning block table on the site plan.

Mr. Reynolds asked if the calculation of the building height is clear. He said he agreed that the topography is the hardship but he is not in agreement with the proposed density. He expressed his concerns about this location in particular and the number of units.

Mr. Garland explained that the abutting property contains multi-unit buildings and said he hopes the Board will agree with 36 units.

The Chair said he always had an issue with this parking.

The Chair called for a Motion.

Mr. Reynolds made a Motion for a favorable recommendation of the maximum number of stories (135-701); seconded by Mr. Eng.

Vote: 3:1:0

Mr. Reynolds made a Motion for a favorable recommendation of the maximum height variance (135-701); seconded by Mr. Eng.

Vote 3:1:0

Mr. Eng made a Motion for a favorable recommendation of the driveway distance (135-809(E)); seconded by Mr. Reynolds.

Vote: 4:0:0

Mr. Reynolds made a Motion for a favorable recommendation of the minimum lot size (135-705); seconded by Mr. Eng.

Vote: 3:1:0

Mr. Reynolds made a Motion for an unfavorable recommendation for minimum open space per unit (135-705(B)); seconded by Mr. Eng.

Vote 3:1:0

Mr. Reynolds made a Motion for an unfavorable recommendation for the minimum land area per unit (135-705(C)); seconded by Mr. Eng.

Vote: 3:1:0

ZBA (13-54)

100 River Street / Life Resources, Inc.

The Applicant requested this matter be tabled to allow for the flood plain and riverfront issues to be addressed.

(13-07) (Continued Public Hearing)

695-787 Granite Street / Core Fitness of Braintree, LLC

Special Permit / Site Plan Review

Brian Kablik, Manager of Core Fitness of Braintree, LLC

Bill Whelan, CEO of Core Fitness of Braintree, LLC

Mr. Carl Johnson, attorney for the Applicant

Ronald Marshall, In-house Council, F.X. Messina /Granite Plaza, LLC

Carl Johnson addressed the Board. He said that the Applicant is not the owner of the center.

There have been prior permits for Granite Plaza, Files 89-13 and 90-2 are noted, that have not received As-Built approval from the Planning Board.

Mr. Johnson said the Draft Conditions intermingle two separate obligations, those of the property owner and that of the Applicant. He suggested severing the issues because together, there are changes and issues that the Applicant cannot perform. An example is the ADA compliance; the Applicant's obligation is only to which pertains to the Applicant's Building Permit Review.

Chair opened questions to the public; there were none.

Mr. Mikami complimented the use of the space. He said he understands Mr. Johnson's point regarding the Applicant; however, these items should have been done long ago. He said he would like the Town to be guaranteed that these items will be done.

Mr. Johnson said that most of the items were housekeeping issues, the most concerning issue is parking striping and landscaping. He also suggested an accurate time table for completion.

Mr. Mikami impressed the necessity of a definitive time period and a bond to guarantee completion.

Mr. Johnson stressed that Core Fitness is not responsible for the owners prior Conditions, this is out of their control.

Mr. Mikami said he supports Staff.

Mr. Eng said the As-Builts are necessary so the Town knows what is built. Further, he said that this Plaza has a tired appearance, if they simply complied with the Conditions, it would upgrade the property and be beneficial to the Applicant and the other Plaza tenants. He said we need to make sure this gets done.

Ronald Marshall reintroduced himself to the Board. He referred to a previous letter and gave a brief history of the Special Permits and the owners request for As-Built approval. He explained that he, together with Mr. St. John and Staff reviewed old file conditions to discuss how to address parking; trash facilitation and drainage clean out.

Mr. Marshall said that he and Mr. St. John met with Staff and propose to submit a Letter Agreement addressing all the owner issues but did not have a time frame, he anticipated the landscaping to be completed in the upcoming Spring.

Mr. Reynolds discussed the original maintenance and landscaping. He asked what a reasonable amount of time would be to address all the conditions and how we make sure that happens.

Mr. Harnais said rather than deal with the past, he wants to move forward. He suggested a commitment date to complete all the outstanding items.

Ms. Stickney said the Application has to be signed by the property owner. She said she realizes it holds up the applicant. However, the Special Permits are Conditions for items that have not been done in 20 years and suggested a Bond by the property owner.

Realizing it holds up the applicant, it requires a special permit for items that have not been done in 20 years and suggested a Bond by the property owner.

Mr. Harnais stated that the Conditions should be written requiring a bond for the purpose of completing the issues; he clarified that the Applicant should not be held responsible for the issues of the Owner.

There was some discussion about how the completion of the Conditions would be resolved. The Board referred to Condition 9F.

Mr. Harnais proposed the property owner commit to May 15th to complete the conditions. On behalf of the owner, Mr. Marshall agreed.

Come May 15th if the conditions have not been met, it will be taken into consideration on any future project that may come before the Board.

Mr. Eng suggested removing Item 9F from the Conditions.

Ms. Stickney suggested the property owner put up a bond, Mr. Harnais agreed. Mr. Marshall said the owner will post a \$15K Bond for completion of conditions by May 15th, posted immediately.

The Conditions will reflect that an As-Built Bond will be posted and will be returned following the completion of all work and compliance with Conditions.

Mr. Reynolds motioned to accept the correspondence dated October 10, 2013 through December 9, 2013; seconded by Mr. Mikami.

Vote: 4:0:0

The Chair called for a motion to close the Public Hearing.

Mr. Reynolds made the motion to close the Public Hearing; seconded by Mr. Eng.

Vote 4:0:0

The Staff clarified with the Chair that Condition 9F will be removed, a \$15,000 Cash Surety will be posted immediately and Condition 24 and 38 will be revised as proposed in the e-mail dated December 10, 2013.

Mr. Harnais called for a motion to approve the Special Permit and Site Plan Review.

Mr. Reynolds Motioned to approve the Special Permit and site Plan Review Application with Conditions as amended; seconded by Mr. Eng.

Vote: 4:0:0

ZBA (13-49)

747 Granite Street (Entire Granite Plaza is 695-787 Granite) / Brian Kablik

Regarding the recommendation for sign approval, the Chair called for any questions, there were none. He then called for a motion.

Mr. Reynolds called for a Motion for a favorable recommendation to the Zoning Board; seconded by Mr. Eng.

Vote: 4:0:0

20 Pond Street / MSMM, LLC (12-04)

Discussion and Action (changes to Architectural and Site Plans)

Carl Johnson, attorney for Applicant

Ronald Marshall, In-house Council, F.X. Messina Enterprises / MSMM,LLC

Robert St. John, Director of Planning, F.X. Messina Enterprises / MSMM,LLC

Carl Johnson addressed the Board. He acknowledged the concerns of the Planning Board about changes to the original cornice plans. He said after discussions with the Applicants' Structural Engineer, it was questionable whether the block wall of the structure could handle the stress of wind and snow loads on the cornice as originally planned.

Secondly, Mr. Johnson explained, there is a Condition from the prior property owner regarding the maintenance of an Arborvitae privacy screen in the rear of the property. Mr. Johnson assured the Board

that the Applicant intends to replace the Arborvitae screen with a stockade fence at an abutter's request. The applicant will also add Arborvitae to the other side for further screening.

Mr. Johnson further acknowledged Planning Board concerns about the elevations. He said the required handicap walkway unexpectedly required the underpinning of the building which added costs to make the building structurally sound.

Rob St. John addressed the specific cornice changes.

Mr. Mikami asked about the size of the cornice and confirmed with Mr. St. John that the difference was about 12". He also asked how much money will be saved by this change; Mr. St. John said \$8,400.00.

Mr. Eng asked if there are any other changes, Mr. St. John said no.

Mr. Harnais had no questions and called for a motion.

Mr. Eng made a Motion for acceptance of the changes as a minor modification; seconded by Mr. Reynolds.

Vote: 4:0:0

257 Ivory Street / Covanta SEMASS L.P. (11-06)
Request for As-Built Approval

Ms. Stickney explained that this matter will be tabled to February, 2014 because Covanta is not ready for the As-Built Approval.

(Mr. Harnais left the room at 8:48 pm – he recused himself from the following matter.)
Mr. Reynolds chaired the meeting.

316 Grove Street / Stop & Shop (89-17)
Request for Minor Modification (Peapod Pick-Up Service)

Larry Grant, representing Stop & Shop, explained the Peapod Service. He said that it has been implemented in 121 stores in 8 states. He is seeking permission to designate 4 parking spaces and install 5 food lockers.

Mr. Grant explained that the service consists of customer pick up from the designated parking spaces; the customer stays in the vehicle for delivery. It takes 3-4 minutes to complete the entire process. There are 5 lockers of chilled storage used to contain the orders. The lockers are anchored to the pavement and they are locked. This is a free service for customers.

Mr. Mikami asked how the service is doing in the other locations. Mr. Grant said it's going extremely well; the locations have handled approximately 100 orders per week since August.

Mr. Mikami asked if the orders increased, would it disrupt traffic. Mr. Grant said not likely, each location can easily service 30 orders daily without disrupting the traffic. Beyond this, they can control how many orders can be serviced at a time by monitoring the schedule, to avoid back up.

Mr. Eng asked if the parking spaces are ever backed up. Mr. Grant said no, they will be directed to the designated spaces in the parking lot, not the fire lane at their scheduled time.

Mr. Reynolds had no questions but clarified with Staff that the specific request is to modify Condition 42 of the Conditions of File 89-17 to allow Stop & Shop 5 food lockers as detailed in the Staff Report dated 12/10/13.

Mr. Reynolds made a Motion to grant a minor modification to Condition 42 to allow for the food lockers of Planning Decision 89-17; seconded by Mr. Mikami.

Vote: 3:0:0

(Mr. Harnais returned to the meeting at 9:06)

Elmlawn Road Extension (T.C.O. 13-062)

Recommendation on Street Acceptance

Ms. SantucciRozzi said that the Street is completed; all Sureties have been returned and the street is ready for acceptance.

Chair Harnais called for a Motion to recommend street acceptance.

Mr. Reynolds made a Motion to recommend street acceptance; seconded by Mr. Mikami.

Vote: 4:0:0

Approval of Minutes November, 2013

Ms. SantucciRozzi stated that the November Minutes will be continued to January, 2013.

Mr. Harnais called for a Motion to adjourn the meeting.

Mr. Reynolds made a Motion to adjourn; seconded by Mr. Eng.

Vote: 4:0:0

The meeting adjourned at 10:38 p.m.

Respectfully Submitted by,
Elizabeth Schaffer