



## QUINCY PLANNING BOARD

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### PLANNING BOARD MEETING MINUTES

Wednesday, February 13, 2013

**MEMBERS PRESENT:** Chairman William Geary, William Adams,  
Coleman Barry, James Fay, Richard Meade

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Dennis E. Harrington, Planning Director  
Christine Chaudhary, Planning Board Recording Secretary  
Kristina Johnson, Director of Transportation Planning  
Robert Stevens, Urban Renewal Planner  
Nicholas Verenis, Economic Development Planner

Meeting called to order and attendance roll call taken at 7:00 p.m. by Chairman William Geary.

#### **7:03 P.M. VOTE TO ACCEPT JANUARY 9, 2013, PLANNING BOARD MINUTES**

**MOTION:** by Member Barry to accept the January 9, 2013, Planning Board meeting minutes

**SECOND:** Member Adams

**VOTE:** 4-0 MOTION CARRIES

(Member Fay was recused as he was not present at the January 9, 2013, meeting)

#### **7:05 PM Board Deliberations on Approval, Definitive Subdivision Application**

##### **Proposed Subdivision of Lot 55 and Lot 78 at Marina Bay for Lot 48**

**Land Owner and Applicant:** Flagship Marina Bay, LLC,

**c/o Redgate Real Estate Advisors:** 100 Franklin Street, Boston, MA 02110

**Planning Board Case No.** 2012-SDIV01

Chairman Geary read into the record: In accordance with the provisions of Chapter 41, Sections 81T, 81U and 81W of the General Laws, the Quincy Planning Board will hold Board deliberations on approval on Wednesday, February 13, 2013 at 7:05 P.M. in the new City Council Chambers 2nd Floor Quincy City Hall Annex 1305 Hancock Street, Quincy, Massachusetts, on the application of Flagship Marina Bay, LLC of 333 Victory Road, North Quincy, MA for: (i) the approval of the definitive subdivision plan entitled Plan of Land Being a Subdivision of Lot 55 and Lot 78 prepared by Harry R. Feldman, Inc. Land Surveyors and dated October 17, 2012 showing the subdivision of Lots 55 and 78 (such lots being shown on Land Court Plan Nos. 27744-U and 27744-2) and construction and utility specifications as contained in the plan entitled Boardwalk Residences at Marina Bay Quincy Massachusetts and dated December 19, 2012 and), (ii) the grant of definitive subdivision way status for the subdivided portions of said Lots 55 and 78 and for Lot 48 (such lot being shown on Land Court Plan Nos. 27744-S). The foregoing lots (referred to by the Assessor's Office as portions of lot 57 – MPL: 6076C-75-57) are located off Victory Road in Marina Bay, Quincy, MA within the Business C zoning district and shown on Assessors' Plan Nos. 6076 and 6076C:

Lot 48: 6076C-67-48; Lot 55: 6076C-69-55; Lot 78: Portion of 6076C-75-57.

Chairman William Geary addressed the audience—many of whom attended previous Planning Board meetings on this and the related Boardwalk Residences at Marina Bay matter--explaining that the Public Hearing on this matter was closed at the January 9, 2013, Planning Board Meeting. Tonight, the Chairman explained, the purpose is for the Planning Board to follow-up on prior evidence presented and deliberate on the Definitive Subdivision and to receive additional testimony from our peer reviewers and the staff of the Planning Department.

Planning Director Dennis E. Harrington reviewed the schedule of items listed on the Agenda for the audiences' benefit. Director Harrington further explained the two parts of the Marina Bay project: Part 1) Tonight's matter, the roadway layout (Definitive Subdivision) will be finalized tonight, and there is a staff recommendation with Conditions of Approval. The Director noted that representatives from MP Access were not present; Part 2) The Special Permit Application for the proposed development of 382 apartments and retail space is pending and will be heard at the March 6, 2013, Planning Board meeting at the Kennedy Center, 440 East Squantum Street, Quincy. Director Harrington gave a few details of the Special Permit matter, including: slightly smaller buildings, proposed residential units down from over 400 to 382, re-arranged parking, and a new set of plans have been submitted.

7:12 PM: Attorney Bryan Connolly of DLA Piper, Boston, representing the Applicant Flagship Marina Bay spoke briefly. Attorney Connolly acknowledged that the City and its peer reviewers have been working very hard to make this project better. Attorney Connolly stated that a handful of minor modifications have been made, based on comments from the public, the Planning Department staff and the peer reviewers. The purpose of the modifications are to improve traffic, safety, public benefits and infrastructure. Attorney Connolly introduced the Applicant's engineer Rick Latini, Howard Stein-Hudson, Boston.

Mr. Latini presented on behalf of the applicant using display boards. Mr. Latini reviewed the changes made. He stated that revisions to the layout were based upon peer review of the Special Permit. The existing road (Lot 48) will be improved to match the proposed new road's standards. Mr. Latini explained that a couple of parking spaces were removed near the intersection of Victory Road and Haul Road, improving site lines, and allowing for extra trees to be planted and wider sidewalks. Parking was changed to parallel parking on the South side of the road, and the "mid-lot" crossing was removed. Mr. Latini stated that the entrance to DCR will be restriped. Haul Road will also be restriped for 5' shoulders and 12' travel lanes that widen to 16'. Mr. Latini pointed out where sidewalks would be added to connect lots.

In response to questions from Member Adams and Chairman Geary, Attorney Connolly stated that appropriate shuttle bus space and service will be determined within the Special Permit Application review process. In response to a question from Chairman Geary, Mr. Latini stated that there will not be an island near the DCR lot. Planning Director Harrington stated that the traffic peer review engineer, Jeffrey Dirk, PE, VAI, Vanasse & Associates, was present, as well as peer reviewer Jim White, PE, of HW Moore. The Director noted that the grass median on Haul Road had to be eliminated to create enough room to accommodate two-way traffic, including large Fire apparatus. There are no traffic signals proposed, or required, for Marina Bay. There are pavement markings, signage, and the possibility of islands, stated Director Harrington. A shuttle bus stop is mandatory, in association with the public parking area, at or near the public roadway at the North building. The Director commented on parking, including that spaces near the North and South buildings on the private right-of-way and on the private property will be public parking spaces with 3-hour parking limit; spaces along the public roadway will be parallel parking spaces; two spaces at the Vietnam Memorial on Victory Road will be public handicapped parking spaces. The Director stated that Conditions were provided to the Applicant and their engineer, and that some Conditions were negotiated and changed.

7:26 PM: Jeffrey Dirk, PE, VAI, Vanasse & Associates, traffic peer reviewer, referred to the 2/13/13 memorandum listing recommended Conditions of approval from Planning Director Harrington to Chairman Geary, stating that the Conditions codify the peer review comments. Mr. Dirk specifically pointed out the importance of Condition 13 of the memo dealing with turning radius for Fire Department apparatus, the importance of Conditions dealing with pavement markings, curbing, sidewalks, landscape, and the need to obtain necessary rights/approvals. In response to Chairman Geary's question about losing parking spots due to requiring parallel parking, Mr. Dirk stated that there is a significant gain in public parking due to refinements made outside of the Subdivision area. In response to Member Geary's questions, Mr. Dirk explained that any outstanding issues/comments made in the 2/12/13 VAI Traffic Engineering report would not affect Subdivision, but will be handled through the Special Permit review. Mr. Dirk responded to questions from the Chairman stating that the parking spaces on Victory Road are 8 feet x 22 feet, the standard size for spaces along a roadway. Mr. Dirk stated that the ideal for garage spaces is 9 feet x 18 feet; the proposal is for 8-1/2 feet x 18 feet for all residential parking spaces, including garage spaces. The proposed smaller spaces are not up to City of Quincy Code, stated Mr. Dirk; a waiver would need to be requested and relief would need to be granted. The smaller spaces make for sluggish operation and parking inefficiencies, increasing the chance that public spaces would be used by residents. After recalling negative parking experiences in narrow/small parking spaces, Chairman Geary stated that he would not be inclined to vote to grant a waiver of the City's code to allow smaller parking spaces than those required by the Code. While here to enhance economic development for the City, inconvenience needs to be avoided. The Chairman mentioned the voluminous public comments received dealing with scale and density of the project, and spoke to the Board's charge to mitigate problems such as traffic, and people parking in two spaces.

7:36 PM: Attorney Bryan Connolly stated that the Applicant needs their chance to explain their rationale for proposed parking space plan at the Special Permit hearing. He stated that the Applicant believes the parking proposal works, as the message heard was to maximize public parking spaces on the project, and extra public parking spaces were supplied.

James White, PE, HW Moore & Associates, Boston, performed the Civil Engineering peer review of the Subdivision. Mr. White commented that the HW Moore 1/22/13 letter addressed many of the issues that were previously commented upon. Mr. White stated that all land is Landcourt land and must be registered in Landcourt (not the Registry of Deeds); plans must be noted as such. The water line is to be looped through Haul Road. The existing sewer line should be videotaped prior to construction. Based on the proposed Conditions, Mr. White said they are satisfied.

The Planning Director stated that from the "teardrop" down to Captain Fishbones, the Applicant will core the road to see if it is up to City standards and the sewer will be inspected by videotaping existing conditions. At this time, the Condition states that the existing road will be reclaimed. (Conditions 10 & 11 of the 2/13/13 memorandum listing recommended Conditions of approval from Planning Director Harrington to Chairman Geary). Adequate sanitary and roadway network are mandatory, as this roadway will carry one-third of the traffic. **Chairman Geary read the 2/13/13 Planning staff memorandum into the record, listing recommended conditions:**

1. All property within the subdivision is Registered Land and therefore the Lotting Plans must be recorded at Land Court. All other plans within the subdivision set are to be recorded at the Registry of Deeds. Prior to final endorsement, the applicant shall note on the cover sheet that the Lotting Plans are recorded at Land Court.

2. All sheets that are to be recorded at the Registry of Deeds require a 3.5-inch square registry block, a surveyor's certification stating that the plans conform to the Rules and Regulations of the Registry, and a No Appeal statement for the City Clerk.
3. Prior to final endorsement, the applicant shall make a note to the Plans referencing either performance guarantee or covenant to secure the improvements contained herein.
4. Upon completion of improvements contained herein, the applicant shall request by registered mail to Planning Board and City Clerk release of either performance guarantee or covenant.
5. Prior to final endorsement, a typical section of the easterly portion of Victory Road shall be shown on the plans.
6. All existing parking spaces along Victory Road shall remain private with 2 spaces designated for handicap parking. All sixteen newly created parking spaces along Victory Road shall be open public spaces each restricted to a three (3) hour parking limit.
7. Prior to release of any covenant, the proponent shall modify pavement markings and add signage for a shuttle bus stop on Victory Road.
8. Proponent shall install street name signs at the East and West ends of Victory Road.
9. Granite bounds shall be installed at any change in the layout line and as directed by the City Engineer.
10. Prior to release of any performance guarantee or covenant, the applicant shall provide documentation for review and approval by the Board's peer reviewer that existing pavement on the easterly portion of Victory Road has a 4-inch depth. If existing pavement is less than 4-inch depth, the pavement in this section shall be reclaimed in accordance with MHD Specifications and paved with 4-inches of bituminous concrete.
11. Prior to the release of any performance guarantee or covenant, the applicant shall videotape the existing sewer line to verify the diameter and condition of the pipe. The City's Peer Review engineer shall confirm in writing the condition of the existing pipe. If, in the opinion of the Board's peer review the existing sewer pipe is inadequate, the applicant shall provide revised design for the Board's review and approval.
12. Prior to final endorsement, the applicant will show vertical granite curb from station 100 to 106+71 as shown on Layout Plan Sheet 7 of 12.
13. Prior to final endorsement, the applicant will show acceptable turning radius between Victory Road extension and Haul Road for Fire Department apparatus.
14. Installation of new 12 inch water main from station 102+00 to Haul Road.
15. Installation of new hydrants at station 102+90 and at the Haul Road intersection.
16. Looping of water line along Haul Road back to Victory Road for fire protection purposes.
17. Prior to the release of any performance guarantee or covenant, the applicant shall prepare for review and approval by the Board, an easement document, suitable for recording at Land

Court, with layout plan conveying permanent public vehicular and pedestrian access and utility easement along (Lot 77) Haul Road.

18. Satisfactory response to requirements of Health Commissioner letter regarding sanitary sewer, water and drainage contained in a letter dated January 4, 2013 exempting requirements unrelated to this subdivision such as food service, swimming pool, building demolition and residential requirements.
19. All construction for the extension of water or other municipal services of Quincy shall be subject to the approval and inspection of the Quincy Department of Public Works and reviewed by other City Departments as may be deemed appropriate by the Department of Public Works.
20. Prior to the issuance of any future building permits, and as an interim measure, the Applicant shall address the left-turn conflict at Haul Road and the entrance to the Department of Conservation and Recreation park property with pavement marking and striping to be approved by Board's peer reviewer.
21. Prior to the release of any performance guarantee or covenant, the applicant shall permanently address the left-turn conflict at Haul Road and the entrance to the Department of Conservation and Recreation park property through modifications to the pavement markings, striping, curbing, islands and/or landscaping. If the Applicant is unable to negotiate a permanent solution with the DCR, it shall provide the Board with a construction cost estimate of such solution including design and engineering review costs, along with sufficient escrow funding, to resolve the left-turn conflict through roadway modifications including revisions to interim pavement markings, striping, curbing, islands and/or landscaping.
22. Decorative street lights shall complement existing Victory Road lighting in styling, and match same in finish and materials.
23. Victory Road existing street lighting shall be retrofitted with LED fixtures to match proposed lighting.
24. Prior to release of any performance guarantee or covenant, the applicant shall execute a pedestrian access easement in vicinity of Lot 48 at entrance to the building at 500 Victory Road.
25. Haul Road street lighting to be decorative in style, matching in all respects both the quality and materials proposed for Victory Road.
26. Haul Road landscaping improvements shall complement Victory Road within the City's permanent access easement area.
27. If any provision of this Definitive Subdivision Approval with Conditions or portion of such provision or the application thereof to any person or circumstance is for any reason held invalid or unenforceable or unattainable, the remainder of the Definitive Subdivision Approval with Conditions (including the remainder of such provisions) and the application thereof to the persons or circumstances shall not be affected thereby.

28. Prior to final endorsement, the Applicant shall provide for the Board's review and approval proposed pedestrian access and public parking easement document and Recordable plan for areas adjacent to Victory Road Extension (areas outside of layout).
29. Prior to release of any covenant, the applicant shall record a Planning Board approved pedestrian and access and public parking easement document along with Recordable plan for areas adjacent to Victory Road Extension (areas outside of layout).

7:48 PM: Planning Director Harrington stated that the Applicant will provide a new set of plans for signature by the Members of the Planning Board, as well as a Covenant document to be signed by the Applicant and approved by the Board. The Director stated that the Definitive Subdivision goes hand-in-hand with the Special Permit project. The Applicant is bound to build improvements only if the Special Permit residential project is approved.

In response to a question about enforcement of the three-hour public parking limit by Member Meade, Director Harrington stated that there is significant enforcement existing; there will be new signage and continued enforcement; there will be a pedestrian access and public parking easement document and plan. Chairman Geary asked if there were any other questions or comments from the Board. None.

7:53 PM

**MOTION:** by Member Barry to Approve the Definitive Subdivision with twenty-nine (29) Conditions as read into the record by Chairman Geary

**SECOND:** Member Adams

**VOTE:** 5-0 MOTION CARRIES

7:53 PM – 7:58 PM: Brief Recess

7:59 PM: Chairman Geary calls the meeting back to order. All five Members present.

#### **CONTINUED PUBLIC HEARING:**

#### **Continued Public Hearing, Site Plan Review, 84 West Street, Planning Board**

#### **Case No. 2012-17**

Chairman Geary read into the record: In accordance with the provisions of Chapter 40A, Section 11 MGL and Title 17 of the Quincy Municipal Code, the Quincy Planning Board will hold a continued public hearing on Wednesday, February 13, 2013 at 7:30 P.M. (actual start time: 8:00 P.M.) in the new City Council Chambers, 2nd Floor, Quincy City Hall Annex, 1305 Hancock Street, Quincy, MA, on the application of West Street 84 LLC, 288 Grove Street, Braintree, MA for Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5. The proposed work site is located at 84 West Street and the proposal is to construct a 9-unit residential development in four separate buildings. The lot is 42,787 square feet and the gross building area is approximately 17,528 square feet. The land is within the Residence B zoning district and is shown on Assessors Map 4029 Lot 56.

Attorney Christopher Harrington, offices at 1495 Hancock Street, Quincy, representing the Applicant, summarized the statistics of the proposed project, including: He stated that 9.5 units are allowed in Residence B, and the proposal is for 9 units in a total of four buildings. He stated that the project meets all dimensional requirements of construction in Residence B. Attorney Harrington stated that this proposal is before the Planning Board for Site Plan Review because it is a new residential project greater than three units.

Chairman Geary remarked that though this is a Continued Public Hearing from the January Planning Board meeting, no testimony was taken whatsoever at that meeting. The meeting was opened and immediately continued, at the request of the petitioner and the Ward Councillor.

Attorney Christopher Harrington used renderings to explain the design of the proposed project. He stated that the site is a “long site” and presented an opportunity to break up the density of the project by spreading the buildings out on the site. The development will look more like small houses as opposed to typical townhouses. Attorney Harrington commended the work of the architect, Holmes & Edwards, Quincy, MA. Attorney Harrington stated that the two-family building on West Street is staying; the next building will be a duplex, followed by a three-unit building and then another duplex. He went on to describe some of the features of the buildings, including that the duplexes look like Capes, each with a one-car garage and a second parking space in front of the one-car garage. He stated that the buildings are varied in height, and fit into the neighborhood—where there are other multi-unit buildings and three-story houses.

For the Applicant, Patrick G. Brennan, PE, Perkins Engineering, Inc., 160 Old Derby Street, Suite 111, Hingham, MA, used displays to point out the areas affected by existing runoff and the locations of the proposed subsurface systems that will handle runoff and treat runoff. He also explained the proposed Cape Cod berm and catch basins for the driveway. He explained the property slopes and spoke in some detail about the proposed drainage systems that would greatly decrease the rate of runoff and improve the quality of runoff and drainage over existing conditions. Mr. Brennan pointed out the location of the dumpster, and the unit and guest parking was explained. The current 18-foot wide curb cut entrance is proposed to be widened to 30 feet to allow better access, especially for Fire apparatus. Mr. Brennan stated that they worked with the peer reviewer and believe that issues have been addressed satisfactorily.

James Edwards of Holmes & Edwards Architects, Quincy, stated that the site is a long, linear site, and spoke about the effort to design buildings to fit the neighborhood. They strived to break down the scale of the buildings so the buildings would be friendly to the neighborhood. Mr. Edwards stated that “handsome” architectural details complement the neighborhood.

8:11 PM: Chairman Geary asked if the Board had any questions or comments. None.

8:12 PM: Nicholas Verenis, Quincy Economic Development Planner introduced Mr. Dave Johnson, Senior Planner, Beals & Thomas, peer reviewer. Mr. Johnson stated the project’s engineer worked closely with the peer reviewer to resolve any issues. Mr. Johnson stated that a review was done in December and a report letter was issued. The public hearing was continued from January to tonight so issues could be resolved. The majority of outstanding items have been addressed, with a few outstanding that need to be Conditioned if the Board were to approve tonight, Mr. Johnson stated, referring to the Beals & Thomas 2/13/13 letter. Mr. Johnson stated that site access plans on West Street need to be confirmed by the Traffic and Parking Departments. The Fire Department needs to confirm that their access requirements are being met. It was communicated to the Applicant that additional stormwater calculations are to be submitted, Mr. Johnson said.

City Economic Development Planner Nicholas Verenis briefly summarized, and he stated that the 9-unit proposal is allowed by-right. Mr. Verenis read from his 2/13/13 Departmental Recommendation letter to the Planning Board, including these Conditions:

1. The Applicant submit a letter of acceptability from the Fire Department on the matter of a turnaround for vehicles in the proximity of a light pole.
2. Snow removal procedures must specifically be identified in the Condominium Documents, but those Documents cannot allow for snow storage on/or near the fence that delineates the rear yard property line of the abutters on Hynes Avenue.

3. The Applicant submit a letter of satisfaction from the Fire Department regarding the access and maneuverability within the site.
4. The Applicant submit a letter of satisfaction from the Fire Department that the turnaround on site is adequate, considering location of the light pole.
5. The matter of sight distance and the location of granite pillars at the front entrance of the property must be approved by the City of Quincy Parking and Traffic Division.
6. The delivery of mail by the USPS to each unit or a master mailbox be identified. If a master mailbox is used, then the master plan must indicate such, once approved by the USPS.
7. The hours of construction be followed as identified in the Ordinances for the City of Quincy for this zoning district.
8. Comment letters from the Engineering Department be adhered to.
9. Comment letters from the Building Department and Health Department be adhered to.
10. Minor changes may be allowed to the Final Development Plans, subject to the approval of the Planning Director. The Planning Board must approve any substantial changes or plan revisions.
11. The terms and revisions of this Site Plan review shall inure to the benefit of and be binding upon all successor owners of the Project Site.

8:21 PM: Chairman Geary asked if the Board had any additional questions or comments. None. The Chairman stated that Councillor Palmucci held a neighborhood meeting, and asked that the matter be continued from January to tonight in order that issues could be resolved. The Chairman then addressed those in the meeting room, explaining that comments in favor of, or in opposition to, the proposal are accepted. For those who want to show support or are in opposition to the project and do not wish to speak, forms are available to sign in the back of the room, he stated. Also, comments/questions from the public would be addressed, if any.

Mr. John Pantano, 19 Hynes Avenue, West Quincy, stated he had concerns about water mitigation. Mr. Pantano explained that his basement floods, and asked about the elevation of the drainage pits. Mr. Pantano is also concerned about the dumpster and how often the garbage would be taken away, stating that once per week in the hotter months is definitely not enough. Attorney Harrington stated that the Applicant is not opposed to a Condition regulating that the dumpster be cleaned out more than once per week, and the Condominium Board of Trustees would be in charge of managing the property after the new owners purchase the units. Attorney Harrington gave an overview of the proposed drainage plan, stating that the water would flow away from Hynes Avenue because the piping from the catch basins on the Hynes Avenue side move water away and into chambers to then leach out. In response to questions posed by the Chairman, Patrick G. Brennan, PE, Perkins Engineering, explained in depth the testing of soil and the depth of test pits and the results found. Mr. Brennan stated that no water or evidence of water was found up to 10' during the test pit testing. Mr. Brennan stated that the topography slopes towards Hynes Avenue, but summarized by stating that above-ground runoff will be reduced with the proposed drainage plan. Mr. Patano said he is uncomfortable about the buffer zone, and the street floods out, with considerable runoff especially in spring. Attorney Harrington stated that after the neighborhood meeting, the Cape Cod berm at edge of parking lot was redesigned and the trench system was added to the plan. There was a little more discussion about the soil and water flow, ending with the peer reviewer, Dave Johnson, Senior Planner, Beals & Thomas, responding to a question from the Chairman, stating that steps have been taken intended to mitigate existing flood conditions, and reduce runoff to adjacent properties. Mr. Johnson stated what the process was in examining the site and proposed drainage plans, as well as the soil.

8:32 PM: Mr. Tom Malvesti, 26 Hynes Avenue, stated that he has lived in this area for 60 years. Mr. Malvesti expressed concerns about flooding coming up to people's front door, traffic backup during the late afternoon and early evening, sewerage backing up into his house four times. Mr. Malvesti

stated that the City said the antiquated system cannot handle the sewerage. Mr. Malvesti answered the Chairman's question and said that the sewerage system backups did not happen during rain events. Attorney Harrington stated that demands of the new development on the street were looked into, in response to the Chairman's question. City Planner Verenis stated that he will communicate with the Engineering & Sewer Departments to ensure any existing sewer issues are not exacerbated by this project, in fact they should be mitigated.

8:40 PM: Mr. Reno Litterio, 25 Hynes Avenue, Quincy, spoke in strong opposition to the project. Mr. Litterio stated that if the proposal goes forward there will be negative impacts: traffic, noise, air quality. Mr. Litterio stated that his son sent a letter into the Planning Board. (2/1/13 Michael Litterio, Trustee, 25 Hynes Avenue Trust)

City Planner Nick Verenis noted that a signed petition was received and is part of the record, and has been distributed to the Planning Board.

No others came forward to speak. Chairman Geary stated that sheets are available for those who wish to sign in favor, or in opposition to the project. (None signed in favor. Seven (7) signed in opposition.)

8:43 PM

**MOTION:** by Member Meade to close the public hearing

**SECOND:** Member Barry

**VOTE:** 5-0 MOTION CARRIES

Chairman Geary stated the proposed project is a by-right project. The petitioner has the right to build as proposed, with Conditions. Chairman Geary restated the concerns raised about sewerage capacity and runoff. The Chairman asked the petitioner, working along with City Planner Verenis, to contact the appropriate City Departments to be sure to satisfy the concerns of the abutters that were raised here tonight.

8:44 PM

**MOTION:** by Member Adams to approve the Site Plan Review with Conditions and with the stipulation that the petitioner, working along with City Planner Verenis, contact the appropriate City Departments to investigate the concerns raised by the abutters here tonight

**SECOND:** Member Barry

**VOTE:** 5-0 MOTION CARRIES

### **PUBLIC HEARINGS (2):**

#### **Public Hearing, 25 School Street, Wireless Communications Facility, Quincy Center Districts, Special Permit, Planning Board Case No. 2013-01**

Chairman Geary read into the record: In accordance with the provisions of Chapter 40A, Section 11 MGL, the Quincy Planning Board will hold a public hearing on Wednesday, February 13, 2013 at 8:00 P.M. (actual start time 8:45 P.M.) in the 2<sup>nd</sup> floor Conference Room, Quincy City Hall Annex, 1305 Hancock Street, Quincy, Massachusetts, on the application of T-Mobile Northeast LLC c/o Network Building & Consulting, LLC, 57 Forest Street, Milford, MA 01757, for a Quincy Center Districts Special Permit under Sections 8.3.7 Special Permit Granting Authority, 6.6 Wireless Communications Facilities, 9.4 Special Permits of the Quincy Zoning Ordinance Title 17. The proposal is to modify the existing communications site which currently includes six antennas on three existing arrays on the premises numbered 25 School Street. Said premises is located within the Quincy Center Zoning District 15 as shown on Assessors Map 1146, Plot 11/1.

Quincy Urban Renewal Planner Robert Stevens briefly explained that this project was before the Planning Board for a Special Permit because the building is located within the Quincy Center Zoning District 15. Mr. Stevens stated that the Board had a very similar project before them last year where

T-Mobile modernized their equipment at 1250 Hancock Street. Photographs of the site were provided to the Board.

Agent for the Petitioner T-Mobile Northeast LLC, Mr. Martin Cohen of Network Building & Consulting, Inc., 1355 Massachusetts Avenue, Lexington, Massachusetts, presented. He stated that the Petitioner is seeking a one-term Special Permit, not the multi-term permit that was requested in the application package. Mr. Cohen explained that the updating of wireless facilities is driven by the needs of all the new devices; T-Mobile is moving toward 4G. Mr. Cohen mentioned T-Mobile's nationwide modernization effort, and the T-Mobile equipment modernizations happening in Quincy under the Zoning Board of Appeals, locations that are not within the Quincy Center Districts. He stated that the six antennas are attached to the 25 School Street building's penthouse rooftop. There are three sectors with two antennas each. Mr. Cohen pointed out the location on the building, explained the equipment room, said that all would be painted to match, and stated that no discernible difference will be seen after the modernized antennas are in place. In response to a question from Chairman Geary, Mr. Cohen stated that the equipment does not and will not protrude above the roofline. The Chairman asked for any questions from the Board. None.

Mr. Stevens reviewed the points of his February 13, 2013, departmental recommendation to the Board, including the recommendation of granting a Special Permit with Conditions for a single five (5) year term renewable upon application. Conditions listed in 2/13/13 memorandum:

1. A comprehensive list of all carriers located on this site (if more than one) and a schedule of their equipment shall be provided to the Planning Board prior to the issuance of a Decision in this matter. The list should include at a minimum, carrier names, addresses, contact information and number and type of equipment.
2. Abandoned wireless facilities equipment (if any) should be identified and removed from the site forthwith.
3. A report should be submitted to the Planning Board, acting as Special Permit Granting Authority, in conformance with Title 17, Section 6.6.13 -certifying that all antenna structures are structurally sound prior to completion of the installation allowed by Case # 2013-01.
4. The applicant shall submit to the Planning Board, acting as Special Permit Granting Authority, a RF emissions report on old equipment prior to discontinuance and on new equipment once it is operational in conformance with Title 17 6.6.12.

Chairman Geary asked if anyone would like to speak in favor of the project, speak in opposition to the project, or comment. None.

Chairman Geary asked if anyone would like to sign in favor of the project, or sign in opposition to the project. None.

8:53 PM

**MOTION:** by Member Meade to close the public hearing

**SECOND:** Member Barry

**VOTE:** 5-0 MOTION CARRIES

8:54 PM

**MOTION:** by Member Barry to grant the Quincy Center Districts Special Permit with Conditions

**SECOND:** Member Fay

**VOTE:** 5-0 MOTION CARRIES

**Public Hearing, Petition for the Rescission of Subdivision Plan Approval and Release of Covenant for the Eagle Terrace Subdivision**

Chairman Geary read into the record: In accordance with the provisions of Chapter 41, Section 81-W MGL, the Quincy Planning Board will hold a public hearing on Wednesday, February 13, 2013 at 8:30 P.M. (actual start time 8:55 P.M.) in the new City Council Chambers, 2nd Floor, Quincy City Hall Annex, 1305 Hancock Street, Quincy, MA, on the Petition of Roseanna Marquis, as Trustee of 77 Putnam Street Realty Trust, Donald J. Mullin, and Gertrude R. Houde for the Rescission of Subdivision Plan Approval and Release of Covenant for the Eagle Terrace subdivision, as approved by the Quincy Planning Board on October 12, 2006. The subdivision is shown on a plan titled "Definitive Subdivision, Eagle Terrace, Quincy, Massachusetts, prepared for Waterford Realty Trust by Neponset Valley Survey Associates, Inc., dated August 29, 2005, revised February 20, 2006". The properties are shown on Assessors' Map 4102, Plots:

Plot 36-1:	4102-36-1
Plot 37-2:	4102-37-2
Plot 38-3:	4102-38-3
Plot 39-4:	4102-39-4
Plot 40-5:	4102-40-5
Plot 41-6:	4102-41-6
Plot 23-7:	4102-23-7
Plot 24-8:	4102-24-8
Plot 25-9:	4102-25-9

Planning Director Harrington stated that the petitioner requested a rescission of this plan. The Legal Ad was reviewed and approved by the City Solicitor. This is an evidentiary hearing. The petitioner will give reasons in support of the rescission of this plan, and any of the landowners or citizens who may have relied on the approval of this plan will be heard. The Board has no recommendation at this time, stated the Director, until the evidence is heard. If the petitioner's request for rescission is unopposed, the Board is under obligation to act.

Attorney Charles Le Ray, Brennan, Dain, Le Ray, Wiest, Torpy & Garner, PC, 129 South Street, Boston, MA, presented on behalf of the petitioner. Attorney Le Ray stated that they are asking for the rescission of the Eagle Terrace Subdivision Plan and release of the Covenant. He stated that Eagle Terrace is a nine-lot residential subdivision off Forest Avenue, between Wren Terrace and Malvesti Way. Attorney Le Ray stated that the Planning Board approved the Definitive Subdivision Plan on August 9, 2006. The Covenant between the landowners and the Planning Board was created October 12, 2006, requiring construction of roadway, utilities and sidewalks within a year; no construction took place. On April 17, 2008, the Board granted an extension of approval through March 12, 2009, and then granted another extension on April 15, 2009 through April 15, 2010. Then no subsequent extension requests were granted, Attorney Le Ray stated, and no construction action or improvements were done. "The ground looks at it did in 2004," stated Attorney Le Ray. No monuments have been placed along where the road would be; none of the lots have been sold; none of the land is mortgaged, Attorney Le Ray further stated. The original parcels are still divided and owned by the original owners—never conveyed into common ownership, stated the Attorney. Attorney Le Ray stated that "everything on the ground is exactly as it was before the Subdivision was approved" and stated that no other parties have a reliance on it. Attorney Le Ray asked for rescission of the Subdivision and release of the Covenant.

Planning Director Harrington stated that a letter is to be provided to the Planning Board abandoning the rights under the Covenant from whomever signed the Covenant. Attorney Le Ray stated that he would provide a letter from his clients but that other land-owning parties have chosen not to

participate. Attorney Le Ray stated that he would ask them to sign the letter, though. In response to questions from the Director, Attorney Le Ray stated that both the Covenant and the Extensions were recorded. Director Harrington stated that discharge documents are to be provided for the recordings. Director Harrington stated that there is one lot owned by a Shea family member who would have benefitted by construction of this roadway and utilities, but the Director has not heard from any Shea family member.

Chairman Geary asked if there was anyone present who would like to speak in opposition. Ms. Denise Valenti, 62 Forest Avenue, Quincy, said she wanted to speak to clarify an issue. She stated that each of the nine Subdivision lots allowed for one single family home to be built. She asked if the Subdivision were to be rescinded, could multi-family buildings be built on each lot as the land is zoned Residence B. The Planning Director answered that multi-families could indeed be built on the lots due to the zoning if the Subdivision were rescinded.

Chairman Geary asked if Ms. Valenti was a party in interest. She stated that she is not. The Chairman then stated that the Planning Board has no choice but to grant the request for rescission, based on the City Solicitor's legal opinion. Chairman Geary asked if the Board had any comments for discussion. None.

9:09 PM

**MOTION:** by Member Meade to close the public hearing

**SECOND:** Member Barry

**VOTE:** 5-0 MOTION CARRIES

9:10 PM

**MOTION:** by Member Adams to approve the petition of rescission and covenant release

**SECOND:** Member Fay

**VOTE:** 5-0 MOTION CARRIES

### **BUSINESS MEETING:**

#### **Agenda Item # 1. Review of DPW report related to pending Petition to Accept Roosevelt Road, City Council Order 2012-228**

Planning Director Harrington reviewed the 2/4/13 Communication document forwarded to the City Council Public Works Committee and previously submitted for Planning Board review. Planning Director stated that the Petition came to the Planning Department for review and for a Planning Board recommendation without required or necessary information to formulate a proper recommendation. Planning staff requested that Public Works Department or City Engineer perform a complete project review. A review was done and remains only partially complete: there is no site plan, but the information does show existing encroachments on the street, and that there would be a significant expense involved to reconstruct the street into a public way in conformance with City regulations. The Board is not obligated to produce a recommendation at this point without an engineered site plan and a final recommendation from the Commissioner of Public Works.

#### **Agenda Item # 2. Distribution of plans re: PUD Special Permit Application from C-Mart for development at 10-40 Hayward Street, City Council Order 2013-015**

Planning Director Harrington stated that the Fleming & Fleming Law Office filed an Application for the PUD C-Mart (supermarket) proposed project with City Council, and for Planning Board review as dictated by Quincy Regulations. No sets of plans were received for the Members of the Planning Board to review. After a request letter was sent, the plans were received, and the Board has them for review. The Nitsch peer review report has not been received, however. Until peer review information

is received, kindly familiarize yourselves with the proposal.

**Agenda Item # 3. Execute Planning Board Decision with Conditions: 302 (-320) Quincy Avenue (Dependable Cleaners), Special Permit-Site Plan Review, Planning Board Case No. 2012-16**

Decision Executed.

9:16 PM

**MOTION:** by Member Fay to adjourn

**SECOND:** Member Meade

**VOTE:** 5-0 MOTION CARRIES