



QUINCY PLANNING BOARD

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PLANNING BOARD MEETING MINUTES

Wednesday, April 10, 2013

MEMBERS PRESENT: Chairman William Geary, Coleman Barry, Richard Meade

MEMBERS ABSENT: William Adams, James Fay

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 7:18 PM by Chairman William Geary.

7:19 PM VOTE TO ACCEPT MARCH 6, 2013, PLANNING BOARD MINUTES

MOTION: by Member Meade to accept the March 6, 2013, Planning Board meeting minutes

SECOND: Member Barry

VOTE: 3-0 MOTION CARRIES

Chairman Geary apologized on behalf of the Board and addressed the very rare occurrence of the late start of the Planning Board meeting, stating that there was an unexpected emergency for one of the Members who had committed to attend this meeting, but now would be absent. The Chairman also explained that another Member had notified the Board well in advance that he would not be able to attend tonight's meeting. Three Members were present. The Chairman stated that a minimum of four Planning Board Members are required to hold a Public Hearing on Special Permits. Thus, two advertised cases could not be heard: 150 Bower Road, Special Permit, Planning Board Case No. 2013-03; and, 77-83 Newbury Avenue, Special Permit – Site Plan Review, Planning Board Case No. 2013-02. The Chairman sincerely apologized to the Applicants, as both project teams were present and ready to go forward. Chairman Geary stated that the two matters would be rescheduled.

7:22 PM: Regarding the 150 Bower Road Special Permit Case, Planning Director Harrington stated that their sanitary system failed as recently as yesterday (4/9/13), which would have required a delay in hearing on this matter—notwithstanding the Planning Board quorum requirement. Planning Director Harrington stated that the Applicant is to submit a fully engineered site plan that shows the failed sanitary system as-built. The Director stated that the Department's recommendation is that the matter should be re-scheduled for a May 1st hearing if the Applicant can have its fully-engineered site plan showing the failed system ready before that date.

On behalf of the Applicant, Michael E. Perrault, PE, Manager, P.M.P. Associates, LLC, Civil Engineering & Land Planning Consultants, East Bridgewater, MA, stated that the Planning Department staff has been very cooperative, and the requested information will be added to the site

plan, as well as a few other details that the Planning staff requested. Mr. Perrault stated that the revised information will be submitted in a timely fashion that will allow time for proper peer and departmental reviews as well as to go forward on May 1st.

Planning Director Harrington commented regarding 77-83 Newbury Avenue, Special Permit-Site Plan Review. He stated that the Applicant and at least two neighbors were present. The Director stated that the project needs action by the Zoning Board of Appeals for FAR (floor area ratio) and parking issues. There is no parking proposed for the additional four residential units proposed. On behalf of the Applicant, Architect Philip Hresko, Hresko Associates, Inc., Boston, MA, agreed to the May 1st hearing date. Mr. Hresko stated that he was more than willing to meet with the neighbors in the lobby in order to answer any questions they may have.

Planning Director Harrington stated that the scheduled 7:50 PM Public Hearing for 243-245 Willard Street, Site Plan Review, Planning Board Case No. 2013-04, will be heard at that time, as required in accordance with MGL, Chapter 40A. The Planning Director and Chairman Geary apologized to Councillor Croall, as he was present for one of the matters that was continued.

7:27 PM: Director Harrington stated that the business matters listed on the Agenda could be handled by the present three-Member Board.

BUSINESS MEETING:

Agenda Item #1: C-Mart Proposal: PUD Special Permit Application for supermarket development at 10-40 Hayward Street, **City Council Order 2013-015** Vote with respect to SPGA recommendation.

Previously, the Planning Board Members were provided with plans and information, as well as a peer review report from the City Council Special Permit Granting Authority, Director Harrington stated. The Director outlined the lengthy, in-depth, multiple reviews that the City Council SPGA performed: The original submission was reviewed thoroughly; a Decision was rendered; an appeal was filed, and the matter went to Land Court. The matter was remanded back to the SPGA after a lengthy trial. Director Harrington stated that Planning Department records contain volumes of reports, traffic reports, and other information. The Director also stated that he attended the meetings and listened to the traffic reporting from both sides. The Director stated that at this point he does not believe the Planning Board, after its comparatively short review, should make an advisory opinion recommendation to the City Council SPGA on this matter--after the court action, the instructions from the City Solicitor, and after the SPGA's careful and lengthy review of all of the documentation over the last months. The Director suggested that the Planning Board, by official vote, decline to offer an advisory opinion to the City Council SPGA on this matter. Chairman Geary concurred.

7:30 PM

MOTION: by Member Barry to decline to offer an advisory opinion to the City Council SPGA on the matter of the C-Mart Proposal: PUD Special Permit Application, City Council Order 2013-015

SECOND: Member Meade

VOTE: 3-0 MOTION CARRIES

Agenda Item #2: Deliberation and Vote on Planning Board Recommendation
re: Moratorium – Medical Marijuana Treatment Centers, Planning Board review of **City Council Order No. 2013-034**

Planning Director Harrington stated that he attended the City Council meetings regarding the Moratorium. There were early Council Orders filed related to Medical Marijuana Zoning issues. The

Director stated that the City Council declined to accept Councillor Palmucci's Order, and there was a substitute Order filed for a Moratorium. Shortly thereafter, the Attorney General's Office issued an Order stating that such facilities could not be banned but Moratoriums were more appropriate temporary resolution. The Director stated that the Board received copies of information from the Attorney General's Office, as well as Massachusetts Department of Health Regulations. Director Harrington stated that the Board is ready to move forward, but the City Solicitor advised that the Planning Board as well as the City Council are to hold public hearings. (A joint public hearing is not an option due to scheduling conflicts.) Clerk of Council Joseph P. Shea will provide a legal ad to the Solicitor's Office, and the Planning Department will post its legal ad. May 1, 2013, is the suggested public hearing date for the Planning Board. The Director explained that this matter requires a mandatory public hearing and mandatory comments from the Planning Board to the City Council.

In response to Member Meade's question, Director Harrington stated that there has been a Zoning Order introduced, dated 3/4/13, and the clock is ticking on the 65-day time limit. In response to Chairman Geary, the Director concurred that the purpose of the Planning Board public hearing is to deliberate or secure testimony on the sole issue of whether or not there should be a Moratorium. The Chairman asked for clarification on the duration of the Moratorium, to which the Director responded that the duration must be reasonable—9 months is reasonable. Member Meade asked about the Moratorium's purpose. Director Harrington stated it is for time to learn more about something that is not allowed in Quincy and has never been allowed in Quincy. The Chairman asked for any further questions or comments from the Board: None.

7:39 PM

MOTION: by Member Meade that the Planning Board hold a public hearing at 6:30 PM on May 1, 2013, on City Council Order 2013-034

SECOND: Member Barry

VOTE: 3-0 MOTION CARRIES

7:40 PM: Recess

7:51 PM: Chairman called the Board back to order

7:52 PM

**Public Hearing, 243 & 245 Willard Street, Site Plan Review
Planning Board Case No. 2013-04**

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, April 10, 2013 at 7:50 P.M. (7:52 PM actual start time) in the City Council Chambers, 2nd floor, Quincy City Hall Annex, 1305 Hancock Street, Quincy, MA, on the application of Galvin Development Company, 21 Totman Street, Quincy, MA 02169 for Site Plan Review approval under Quincy Zoning Ordinance Title 17, sections 9.5. The proposal includes the construction of a new 4,000 square foot, 2 ½ story commercial office building and attached 2 ½ story, 6 unit residential structure consisting of 4,323 square feet with related parking area consisting of 23 parking spaces at 243 & 245 Willard Street, West Quincy. Said parcels are located at 243 & 245 Willard Street in a Business B zoning district, as shown on Assessors' Plan No. 4082 as Plot 4, Lot 32 and Plot 5, Lot 35 respectively.

Speaking on behalf of the Applicant, Galvin Development Company, Attorney Edward Fleming, Fleming & Fleming, PC, 85 Clay Street, Quincy, MA, stated that both Mr. Sean Galvin and Mr. Scott Galvin were present as well as Mr. James Burke of DeCelle-Burke, Quincy, who performed the engineering work on the site. Attorney Fleming stated that the project's property is on the Home Depot side of Willard Street, and is a 19,090 sf parcel at the corner of California Avenue. Without

wanting to offend the current businesses located there, Attorney Fleming said the property is in a deteriorated condition—basically a dirt lot. The lot is used by Granite Monument and a used car dealer currently. Attorney Fleming said that there are very few improvements—two small wood-frame structures (“shacks”). The matter has been before the Zoning Board of Appeals, ZBA Case 13-009, for a Special Permit for mixed-use, as well as variances due to the unusual shape and topography of the site, stated Attorney Fleming. The proposal is for a new mixed-use building, with the residential portion and the commercial portion each being about 4,000 sf in size, and each about 2 to 2-1/2 stories in height. The commercial office building will face along Willard Street; the residential portion of the building will be in the rear, and a buffer to the existing residences, stated Attorney Fleming. Further, he said that there are other projects in the immediate area built by the Galvins. The proposed project will, and the existing projects do all represent improvements to the area. The residential site in the rear of the building will provide six units and the parking lot will provide 23 spaces for both the commercial and residential uses. Off California Avenue, there is on the plan a small driveway and garage which will be used to pull a truck or other commercial vehicle into that space, Attorney Fleming stated.

Mr. James Burke, of DeCelle-Burke, Quincy, spoke mainly about drainage, stating that the building will be served by domestic water, sewer and fire protection. He explained the drainage in brief: one two-baffle water quality tank; roof runoff will be captured and recharged into the ground; cultec chambers and overflows will tie into a catch basin; and there will be construction on the drainage out on Willard Street including turning an existing catch basin into a drain manhole.

Attorney Fleming stated that Councillor Brian Palmucci held a neighborhood meeting, and plans were shared with the neighbors. Chairman Geary stated that the Councillor sent a letter to the Board for the record.

Mr. Nicholas Verenis, Quincy Economic Development Planner, introduce Mr. Jim White, PE, H.W. Moore Associates, peer reviewer on behalf of the Board. Mr. White stated that a preliminary peer review report was issued on 3/22/13; plans were revised and comments were provided by the Applicant. The final peer review report was issued 4/3/13. Mr. White stated that the Applicant did a very good job responding to the peer review comments, and there are only a few outstanding issues with recommendations:

- The walk to Willard Street needs to be modified to be fully handicapped accessible;
- Lighting is to be provided in the parking lot;
- Sidewalk is to be added to California Avenue.

Drainage and utility are adequate, Mr. White stated.

Chairman Geary asked the Board and then audience if there were any questions or comments. None. The Chairman pointed out that sheets were available in the back of the room if anyone would like to sign in favor or in opposition to the project. None signed.

Mr. Nicholas Verenis, Quincy Economic Development Planner, provided a written Departmental recommendation to the Board, dated 4/10/13. Mr. Verenis stated that Approval of the proposal is recommended. He stated that this project would improve a degraded area, and read aloud the Conditions of Approval listed in his April 10, 2013, recommendation letter:

1. The applicant must submit a color rendering of the exterior of the project and approved by the Planning Board before construction. (Completed, said Mr. Verenis, after this letter was provided to Board.)
2. Exterior lighting of the parking area should be provided.
3. The hours of construction will be followed as per the Ordinances for the City of Quincy for this zoning district.

4. Comment letter(s) from the Building Department and Health Department must be adhered to.
5. Comment letter(s) from the Engineering Department regarding drainage, water, sewage and miscellaneous matters must be adhered to.
6. A stamped landscape plan must be submitted.
7. New tree plantings must be trees of 3.5 to 4.0 caliper diameter.
8. Rear exit used as emergency egress must be kept free and clear of all obstacles at all times, including snow and ice.
9. Minor changes may be allowed to the Final Development Plans subject to the approval of the Planning Director. The Planning Board must approve any changes or plan revisions that are considered substantial.
10. The applicant will provide a concrete curbing along California Avenue that is a continuation of the existing building in the rear on California Avenue.
11. The terms and provisions of this Site Plan Review shall inure to the benefit of and be binding upon all successor owners of the Project Site.

8:08 PM

MOTION: by Member Barry to Approve the Site Plan Review Application with Conditions as listed in the 4/10/13 written Planning Department recommendation to the Board.

SECOND: Member Meade

VOTE: 3-0 MOTION CARRIES

8:15 PM

MOTION: by Member Meade to adjourn

SECOND: Member Barry

VOTE: 3-0 MOTION CARRIES