

**PLANNING BOARD
CITY OF QUINCY
MASSACHUSETTS
RECORD AND DECISION
18 Bates Avenue
Planning Board Case No. 2016-02**

LOCUS: 18 Bates Avenue
Quincy, MA 02169
Assessors Map 627, Plot 91, Lot 13.

ZONING DISTRICT: Residential B

OWNERS: Bates Avenue Realty Trust
Nazih B. Elkallassi, Trustee
20 Tower Terrace
Wareham, MA 02571

APPLICANT: Bates Avenue Realty Trust
Nazih B. Elkallassi, Trustee
20 Tower Terrace
Wareham, MA 02571

ATTORNEY: Andrea L. McKnight, Esq.
Law Offices of Bello & Bello
184 Main Street
Wareham, MA 02571

ENGINEER: Bradley Bertolo, PE.
JC Engineering, Inc.
2854 Cranberry Highway
E. Wareham, MA 02538

2016 JUN 20 PM 3:15
CITY CLERKS OFFICE
QUINCY, MASS 02169

DRAWINGS & REPORTS: *(ALL INCORPORATED HEREIN BY REFERENCE)*

- An eleven (11) page Site Plan entitled "Proposed Redevelopment Site Plan at 18 Bates Avenue, Quincy, Massachusetts" prepared for Nazih B. Elkallassi, Tr., Bates Ave Realty Trust, 20 Tower Terrace, Wareham, MA 02571, prepared by JC Engineering, Inc., 2854 Cranberry Highway, East Wareham, MA 02538 dated as follows:

Sheet #/Plan Description	Plan Date	Recent Revision Date
1 of 11 Cover Sheet	February 26, 2016	6/3/16
2 of 11 Existing Conditions Plan	February 26, 2016	6/3/16
3 of 11 Layout Plan	February 26, 2016	6/3/16

4 of 11	Landscaping Plan	February 26, 2016	6/3/16
5 of 11	Grading Drainage & Utilities	February 26, 2016	6/3/16
6 of 11	Erosion Control Plan	February 26, 2016	6/3/16
7 of 11	Detail Sheet 1	February 26, 2016	6/3/16
8 of 11	Detail Sheet 2	February 26, 2016	6/3/16
9 of 11	Detail Sheet 3	February 26, 2016	6/3/16
10 of 11	Detail Sheet 4	February 26, 2016	6/3/16
11 of 11	Detail Sheet 5	February 26, 2016	6/3/16

- A five (5) page plan prepared for Nazih B. Elkallassi, Tr., Bates Ave Realty Trust, 20 Tower Terrace, Wareham, MA 02571 drawn by Said Khalil, 27 Captain Weiler Road, South Yarmouth, MA dated as follows:

Sheet #/Plan Description	Plan Date	Recent Revision Date
A1.0 Basement Floor Plan	June 6, 2016	N/A
A1.1 First and Second Floor Plans	June 6, 2016	N/A
A1.2 Third Floor and Roof Plan	June 6, 2016	N/A
A2.1 Building Elevations	June 6, 2016	N/A
A2.2 Building Elevations	June 6, 2016	N/A

- A Report entitled Drainage Calculations & Supplemental Information, 18 Bates Venue, Prepared for Nazih B. Elkallassi, Tr., Bates Avenue Realty Trust, 20 Tower Terrace, Wareham, MA 02571

ACTION ON APPLICATION FOR SITE PLAN REVIEW: APPROVED WITH CONDITIONS

VOTE: (Y) Richard Meade (Y) Coleman Barry (Y) Sean Callaghan (Y) Glen Comiso
(Y) Maureen Glynn

(A) = Absent or not present during the entire hearing process and therefore not eligible to vote.

**SITE PLAN REVIEW APPROVAL FOR
18 Bates Avenue
Planning Board Case No. 2016-02**

In accordance with the provisions of MGL Chapter 40A, Section 11, the Quincy Planning Board held a public hearing on Wednesday, April 13, 2016, at 7:00 PM, in the 1st Floor Conference Room, Quincy City Hall, 1305 Hancock Street, Quincy, MA, on the application of Bates Ave. Realty Trust, 20 Tower Terrace, Wareham, MA, 02571 for Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1 (Site Plan Review). The Applicant proposes the demolition of the existing three (3) unit residential structure and the construction of a new three (3) story, five (5) unit residential apartment building. The applicant also proposes the demolition

or renovation of the existing on-site garage to provide two (2) off street parking spaces per unit, landscaping, drainage and other site modifications. The property contains 9,059± square feet of land and is located at 18 Bates Avenue. The subject property is located within the Residential B Zoning District and is shown on Assessors Map 627, Plot 91, Lot 13.

A notice of public hearing on this application was advertised as follows, a true copy of which is on file in the office of the Planning Board:

- 1) Published in The Patriot Ledger, a newspaper of general circulation in the City of Quincy, on Wednesday, March 30, 2016 and Wednesday April 6, 2016.
- 2) Posted at the City Clerk's office March 16, 2016.
- 3) Mailed March 16, 2016 to the petitioner, abutters, owners of the land directly opposite the property in question on any public or private street or way, abutters to abutter within 300 feet of the subject property.

FINDINGS

After thorough analysis and deliberation, the Planning Board finds that the Applicants have complied with all pertinent provisions of the Quincy Zoning Ordinance Title 17, Section 9.5 and all other pertinent sections of the Quincy Zoning Ordinance subject to compliance with the conditions contained herein. Specifically, the Planning Board finds that:

The Applicant is seeking Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1. 18 Bates Ave. is a multi-family home, with two residential apartments in use, and a third floor residential apartment that does not have a second means of egress. The owners seek to demolish the existing structure and rebuild to create a better designed 5 unit building with adequate egress. The footprint and height of the building will be similar to that of the current structure. The garage on site will be removed to allow for additional parking spaces on site. The Owner has been before the Quincy ZBA and a variance, special permit, and finding were made in their favor.

The Applicants have provided adequately for the parking needs of the project with ten parking spaces on site. The applicant requested and was granted waivers from wind and shadow study, full traffic study, and the need for a full photometric plan due to the limited nature of the project. The Planning Board has determined that the proposed amount of additional traffic would be limited and would not be more detrimental to the neighborhood and that the site plan, as provided, had enough detail to determine the lighting would be adequate for the proposed development and would not impose on any abutting properties in a negative way.

The Planning Department engaged the independent engineering peer review services of Tetra Tech, Inc. They worked closely with the City and the Applicants' engineering team in its thorough review of the project.

The project was sent to the City's Departments for review.

The City's Engineering Department and the Peer Review Engineer have reviewed the proposed stormwater drainage system and have found the design to be adequate to control runoff from the site which is consistent with the functional requirements of the Quincy Stormwater Ordinance. The public utilities have been determined to be adequate to serve the needs of the residents of

this project.

The project was reviewed by the City's Fire and Safety Officers and it has been determined that the project as proposed will provide adequate access to each structure for fire and service equipment.

After taking into account the characteristics of the site and of the proposal in relation to that site the Board has found that the proposed use or structure(s) shall not cause substantial detriment to the neighborhood or the City. Specifically the Board considered the Community needs served by the proposal. There is an identified need in the City of Quincy for adequate housing. The proposed Project as presented is consistent with the City of Quincy requirements for providing adequate access to the proposed structure for fire and service equipment and has provided adequate provisions for parking, utilities, and stormwater drainage consistent with the functional requirements of the Planning Board's Site Plan Review Rules and Regulation and the Quincy Stormwater Ordinance. The Project plans provide for proper environmental controls to prevent site erosion and other potential construction impacts to City systems, as well as providing appropriate landscaping as requested by the Department of Planning and Community Development.

DECISION

Now, therefore, by unanimous vote, the Planning Board hereby approves the subject application for Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1, with authorization for the subject construction in accordance with the above referenced and approved plans, subject to the below listed Special and General Conditions.

SPECIAL CONDITIONS

- 1) The Applicant shall provide a Construction Management Plan to include construction truck routes at least one month prior to the start of construction to the City's Traffic Engineer for review and approval.
- 2) The Stormwater Operation and Maintenance plan shall be recorded at the Norfolk County Registry of Deeds.
- 3) The Applicant shall apply for a Stormwater Connection Permit from the Department of Public Works before construction.
- 4) The applicant shall develop and submit a dust control plan to the Department of Health for review and approval prior to any site activity. Said dust control plan is to be implemented during any site activities to ensure compliance with state air quality regulations.
- 5) The applicant shall submit documentation indicating that construction activities at 18 Bates Ave will not result in rodent issues for abutters. The applicant shall develop a rodent control contingency plan prior to the commencement of construction activities on site which will include the name and contact information for an on-call pest control company. Said rodent control plan shall be developed and submitted to the Department of Health for review and approval prior to obtaining their building permits.

- 6) Upon completion of this project, the applicant shall submit to the Planning Board as-built plans showing all utilities, building footprints, reference bounds and benchmarks defining the total site, facilities and right of ways. Plans shall be submitted in a digital format acceptable to the Planning Department.
- 7) The hours for construction activities will be as follows:
 - 7:00 am to 5:00 pm Monday thru Friday
 - 8:00 am to 4:00 pm Saturday.
 - All construction and deliveries shall be prohibited on Sunday unless a different schedule is approved by the Chief of Police and the City Traffic Engineer.
- 8) Hours for delivery of materials will be determined by the City Traffic Engineer with the submission of the Construction Management Plan.

GENERAL CONDITIONS

1. **REQUIRED CERTIFICATION:** Prior to, or at the time of, submittal of the decision for endorsement, the applicant shall submit to the Planning Board a certification indicating, in effect, the following:

“I (We), _____ as representatives of/for Nazih B. Elkallassi, Trustee of Bates Avenue Realty Trust, 20 Tower Terrace, Wareham, MA 02571, on this date, _____ do hereby certify that I (We) have completely read and do fully understand all Special and General Conditions of Planning Board Decision, No. 2016-02, dated May 11, 2016, relative to the proposed alteration of 18 Bates Avenue, Quincy, MA. Furthermore, it is my (our) intention to comply fully, to the best of my (our) ability, with all aspects of the approved Site Plan and with all Special and General Conditions of the Decision.

Signature(s)

2. **RECORDING AT REGISTRY OF DEEDS:** Within sixty (60) days of the expiration of the twenty (20) day appeal period, the Applicant shall record the endorsed Decision at the Registry of Deeds. Evidence of such recording shall be submitted to the Planning Department and to the Building Commissioner prior to the initiation of any construction activities.
3. **NO DEVIATION FROM APPROVED PLAN:** There shall be no deviation from the approved Site Plan and Conditions of this Decision without prior written approval of the Planning Board or Planning Director. Minor changes to the Final Development Plans

may be allowed subject to the review by the assigned Planning and Community Development Project Manager and the approval of the Planning Director. Substantial changes and/or plan revisions are subject to the review and approval of the Planning Board. In the event that the applicant anticipates that some deviation is either necessary or desirable, he (she) shall notify the Planning Director and Project Manager in writing requesting modification of the Plan or the Conditions. If the Planning Director determines that the requested modification is minor in nature, they may grant such request. If the Planning Director determines that the modification is not minor in nature, no such request may be granted until after a subsequent Public Hearing before the Planning Board is conducted for the purpose of fully discussing such modification. In any event, no such modification shall be undertaken until such time as the Board has approved the request in writing.

4. **ZONING ORDINANCE COMPLIANCE:** No aspect of this Site Plan Approval/Special Permit decision or of any Condition of Approval shall be construed in such a manner so as to alleviate an owner, applicant, assign, or successor from full compliance with all pertinent provisions and requirements of the City of Quincy Zoning Ordinance.
5. **LANDSCAPING GENERAL:** Prior to the issuance of a Certificate of Occupancy for the subject expansion, all parking areas and landscaping shown on the Plan referenced above shall be completed.
6. **LANDSCAPE MAINTENANCE:** It shall be the responsibility of the owner(s) of the site to ensure that all vegetation and landscaping is maintained in a healthy condition and that any dead or dying materials be replaced at the earliest appropriate season. Any violation of this General Condition shall be considered a violation of this Site Plan Approval and of the City of Quincy Zoning Ordinance and may be treated accordingly.
7. **REVIEW BY OTHERS:** The applicant shall secure all requisite permits prior to commencing any work under this Site Plan. We specifically call your attention to the possibility of need for permits or other approvals from the Board of Health, Conservation Commission, Quincy Historical Commission, Affordable Housing Trust Fund Committee and the Department of Inspectional Services. Additionally, regulatory agencies of the Commonwealth may have jurisdiction over this project. The applicant shall address any other outstanding issues raised in the interdepartmental review of the proposed project.
8. **PLAN MODIFICATION BY OTHERS:** Should a permit from any other entity include provisions which require a revision of the Plan, such revision shall be submitted to and approved by the Planning Board prior to the start of any construction activities in accordance with General Condition 3, above.
9. **OFF-SITE WORK:** All work done off-site shall be to the satisfaction of the appropriate owner or public body having jurisdiction. In the case of City streets, public ways, City lands and easements, the work shall conform to the requirements of the Quincy Department of Public Works and to the satisfaction of the Planning Board. In the case of

State roads, the work shall conform to the requirements of the Massachusetts Highway Department.

10. **TIME LIMIT APPROVAL:** If substantial use of the site under this permit or construction of this project does not begin within two years of the date of filing of this decision with the City Clerk, then the granting of these Site Plan/Special Permits shall become null and void. A new application and approval shall be necessary to proceed with such construction if no extension is granted by the Planning Board.
11. **APPROVAL SCOPE:** This Special Permit/Site Plan Approval, and the obligations of the applicant set forth in the conditions hereto, shall run with the land comprising the site and shall inure to and be binding upon the applicant, its successors and assigns (including lessees and tenants).
12. **FINAL PLANS:** Upon completion of the project, the applicant shall furnish along with the digital file as-built plans showing all utilities, building footprints, reference bounds and benchmarks defining the total site, facilities and rights of way.
13. **APPROVED PLANS:** All construction shall be in accordance with the approved drawings and reports referenced above.
14. **WATER SERVICES AND INSTALLATIONS:** All water services and installations shall be in accordance with the requirements of the City of Quincy Department of Public Works.

The Board affirms that all provisions of Sections 9 & 11, Chapter 40A of the General Laws and Quincy Zoning Ordinance Title 17, Section 9.5 (Site Plan Review) were complied with as regards procedures.

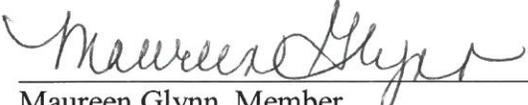
The Decision shall not take effect until recorded in the Norfolk County Registry of Deeds and/or Land Court after certificate by the City Clerk, as required by MGL, Chapter 40A, Section 11. Appeals from this Decision, if any, shall be made pursuant to MGL, Chapter 40A, Section 17 and shall be filed within 20 days after the date of the filing of this Decision in the office of the City Clerk.


Richard Meade, Chairman


Coleman Barry, Vice Chairman


Glen Comiso, Member


Sean Callaghan, Member


Maureen Glynn, Member

Date: May 11, 2016

NOTE: It is the responsibility of the petitioner to:

1. File a copy of this Decision with the Norfolk Registry of Deeds or Land Court after certification by the City Clerk that the 20-day statutory appeal period has elapsed.
2. File duplicate copies of the receipt from the Norfolk Registry of Deeds or Land Court with the Building Inspector and the Planning Department.

