

**PLANNING BOARD
CITY OF QUINCY
MASSACHUSETTS
RECORD AND DECISION
32 Gilson Road/ 18 Johnson Ave
Planning Board Case #2015-49**

LOCUS: 32 Gilson Road/18 Johnson Ave
Quincy, MA 02169
Assessors Map 1126, Plots 41 & 42, Lots A & B

ZONING DISTRICT: Residence A
Business C

OWNERS: David and Peter Murphy
DP Development, LLC
78 Bellevue Road
Quincy, MA 02171

APPLICANT: David and Peter Murphy
DP Development, LLC
78 Bellevue Road
Quincy, MA 02171

ATTORNEY: Christopher Carroll
26 Sycamore Road
Squantum, MA 02171-1362

ENGINEER: Joyce Consulting Group
Michael Joyce, PE
100 Wyman Road
Braintree, MA 02184

ARCHITECT: Tim Johnson Architect LLC
190 Old Colony Ave
Boston, MA 02127

2016 JUN 16 PM 3:40
CITY CLERKS OFFICE
QUINCY, MASS 02169

DRAWINGS & REPORTS: (ALL INCORPORATED HEREIN BY REFERENCE)

- A one (1) page plan entitled "Site Plan for 32 Gilson Road and 18 Johnson Avenue, Quincy, Mass" prepared by Neponset Valley Survey Assoc., Inc., 95 White Street, Quincy MA 02269 Dated January 27, 2016
- A five (5) page site plan of 32 Gilson Road and 18 Johnson Avenue, Quincy, MA prepared by Joyce Consulting Group, Inc., 100 Wyman Road, Braintree, MA 02184 prepared for Peter & David Murphy, 18 Johnson Avenue, Quincy, Massachusetts entitled and dated as follows:

Sheet #/Plan Description	Plan Date	Recent Revision Date
C-0 Site Preparation and Demo Plan	10-07-15	06-08-16
C-1 Site Grading and Layout Plan	10-07-15	06-08-16
C-2 Site Utility Plan	10-07-15	06-08-16
C-3 Detail Sheet I	10-07-15	06-08-16
C-4 Detail Sheet II	10-07-15	06-08-16

- A twenty three (23) page plan entitled “Proposed 18 Unit Residential Building w/29 Parking Spaces, 32 Gilson Road, Quincy, MA” prepared by Tim Johnson Architect, LLC, 190 Old Colony Avenue, Boston, MA 02127 dated as follows:

Sheet #/Plan Description	Plan Date	Recent Revision Date
A00 Project Information	05/18/16	06-08-16
V02 Perspective Views: Color	05/18/16	06-08-16
V03 Perspective Views: Color	05/18/16	06-08-16
L01 Landscape Site Plan	10.07.15	05/18/16
X01 Architectural Site Plan @ Gilson Road	05/18/16	06-08-16
X02 Architectural Site Plan @ Johnson Avenue	05/18/16	06-08-16
X03 Existing Conditions Plan	05/18/16	06-08-16
X04 Site Photos	05/18/16	06-08-16
A01 Lower Level Floor Plan	05/18/16	06-08-16
A02 First Floor Plan	05/18/16	06-08-16
A03 Second Floor Plan	05/18/16	06-08-16
A04 Third Floor Plan	05/18/16	06-08-16
A05 Fourth Floor Plan	05/18/16	06-08-16
A06 Fifth Floor Plan	05/18/16	06-08-16
A07 Roof Plan	05/18/16	06-08-16
A08 1-1 Building Section	05/18/16	06-08-16
A09 2-2 Building Section	05/18/16	06-08-16
A10 3-3 Building Section	05/18/16	06-08-16
A11 East Elevation	05/18/16	06-08-16
A12 West Elevation	05/18/16	06-08-16
A13 North Elevation	05/18/16	06-08-16
A14 South Elevation	05/18/16	06-08-16
A15 Southwest (Front) Elevation	05/18/16	06-08-16

- A Report entitled “32 Gilson Road Quincy, MA, Stormwater Report Prepared for: Peter & David Murphy 18 Johnson Avenue Quincy, MA 02169 Submitted by: Joyce Consulting Group 100 Wyman Road Braintree, MA dated December 9, 2015 with a latest revision date of May 18, 2016

**ACTION ON APPLICATION FOR SITE PLAN REVIEW: APPROVED WITH
CONDITIONS**

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

**ACTION ON APPLICATION FOR SPECIAL PERMIT: APPROVED WITH
CONDITIONS**

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

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

**SITE PLAN/ SPECIAL PERMIT APPROVAL FOR
32 Gilson Road/ 18 Johnson Ave
Planning Board Case #2015-49**

In accordance with the provisions of Chapter 40A, Section 11 MGL, and Title 17 of the Quincy Municipal Code, the Quincy Planning Board held a public hearing on Wednesday, December 9, 2015 at or after 7:05 P.M. at 34 Coddington Street, 1st floor, Room 121, Quincy, MA, which was continued to January 27, 2016, again to April 13, 2016 and finally to June 8, 2016 on the application of David and Peter Murphy, DP Development, LLC, 78 Bellevue Road, Quincy, MA 02171, for Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1 (Site Plan Review) and Special Permit under Quincy Zoning Ordinance Title 17, Section 5.1.17 (Parking Waiver). The original proposal was for the demolition of two (2) existing dwellings and the construction of a 4-story, twenty four (24) 2-bedroom unit residential development with private 24-car garage. After subsequent revisions the Applicant is proposing the construction of a five story 18 unit residential development with 29 parking spaces. The property contains approximately 14,282± square feet and is located at 32 Gilson Road/18 Johnson Avenue. The land is within Residential A and Business C Zoning Districts and is shown on Assessors Map 1126, Plots 41 & 42, Lots A & B.

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, November 25, 2015 and Wednesday, December 2, 2015.
- 2) Posted at the City Clerk's office November 6, 2015.
- 3) Mailed November 6, 2015 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 9.5.1.1 and Special Permit under Section 5.1.17 (parking waiver) 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 Applicants David and Peter Murphy, DP Development, LLC initially requested Site Plan Review under Quincy Zoning Ordinance Title 17, Section 9.5.1 (Site Plan Review) and a Special Permit under Quincy Zoning Ordinance Title 17, Section 5.1.17 (Parking Waiver) to demolish two (2) existing dwellings at 18 Johnson Ave and 32 Gilson Road and construct a 4-story, twenty four (24) 2-bedroom unit residential development with a private 24-car garage.

The Planning Department engaged the independent engineering peer review services of Gale Associates, Inc. who worked closely with the City and the Applicants' engineering team in its thorough review of the project. Planning Board peer review resulted in a series of revisions to the proposed site plans.

The Applicants have submitted revised plan showing an 18 unit apartment building with 29 parking spaces. The number of parking spaces is adequate but some of the proposed spaces are shown at 8.5 X 18 feet rather than the required 9 X 18 feet. In order to grant a Special Permit for the parking waiver the Planning Board must determine that the proposed use and or structure will not cause substantial detriment to the neighborhood or the City. The project proponent provides the required amount of parking under the City Zoning Ordinance Section 5.1 but has asked for a waiver from parking space dimensions under Section 5.1.11 for width of spaces. The Planning Board finds that the reduction in the width of spaces outside the building is reasonable. The Applicant has shown a handicapped space in the front of the building which creates a slightly smaller area for the other 4 vehicles. The Planning Board finds that this is not detrimental to the neighbors or the City. The smaller spaces will not have any great impact on the residents' ability to maneuver in and out of these spaces.

The Applicant has provided a traffic impact assessment which has been reviewed by the City's Traffic Engineer. Comments of the Traffic Engineer have been addressed. The access from Johnson Ave has been determined to be adequate for the limited number of vehicles utilizing this entrance. The Applicant has agreed to continue to maintain Johnson Ave as a private way.

The Planning Board received comments from the Director of Inspectional Services indicating that because there now exists a two family dwelling on Gilson Rd in a Residential A District and as two family dwellings are not allowed in a Residential A District – this is a non-conforming use and structure. (Quincy Zoning Ordinance Section 3.4) *Non-Conforming uses and structures may be altered, extended, reconstructed or changed as long as the ZBA grants a Finding or "finds" that the alteration, extension, reconstruction or change "is not substantially more detrimental to the neighborhood than the existing non-conformity"* he will have the authority to issue findings on behalf of the ZBA for any extension of non-conformances that may result from this development.

They have addressed the issue of access for fire truck apparatus and have performed a water flow test which has provided for adequate water pressure for Fire Dept use.

The Applicant has conformed to the requirements for Site Plan Approval by providing adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Quincy Stormwater Ordinance. The stormwater drainage system design has been reviewed by the Peer Review Engineer and by the City's Engineering Dept. All issues regarding stormwater drainage have been addressed by the Applicant.

They have also been able to show conformance with the requirements for site plan approval by designing a building that minimizes the impacts on the existing neighborhood and improving the conditions that currently exist. The Applicant has agreed to repair any damages that may result to Johnson Ave during construction activities and has also agreed to install fencing along the southern perimeter of their site in order to limit any impacts on residents and businesses along Whitney Road. No Parking signs will be installed along Johnson Ave in order to prevent any impacts from vehicles parking on Johnson Ave in relation to this project.

The Applicant has agreed to install crosswalks and ADA compliant curb ramps at Linden Court and Gilson Road in order to provide safe pedestrian access to and from the site.

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 Applicant has been advised of the need to meet with the City's Affordable Housing Trust and adhere to the City's Affordable Housing ordinance. 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 utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision 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 and Special Permit under Section 5.1.17 (parking waiver), 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 project is subject to the Inclusionary Zoning Ordinance. Applicant shall contact the Affordable Housing Trust Committee (AHTC) for their recommendation related to on-site units or cash in lieu of such units. Any recommendation by the AHTC shall be incorporated into the Planning Board Special Permit Decision.

- 2) The Applicant shall seek approval from the City of Quincy Zoning Board of Appeals or Zoning Enforcement Officer, as appropriate, for any necessary relief or findings related to City of Quincy Zoning Ordinance as same are not under the authority of the Planning Board.
- 3) Due to some controversy surrounding the Applicant's ability to build within the area identified as Johnson Avenue, prior to obtaining building permits, the Applicant or the Applicant's attorney or other representative shall establish to the satisfaction of the Quincy City Solicitor that no rights were obtained by the then Town of Quincy or others by virtue of such enactment, and which rights, if any, would prohibit the Applicant from now building in the footprint of the so-called Johnson Avenue.
- 4) The Applicant shall provide a Fire Protection Engineers' system demand calculation for the building to the Fire Department prior to obtaining building permits.
- 5) The Applicant shall conduct a water flow test to determine if there is sufficient water supply in the street to support the sprinkler system and the required standpipe system demands in the building. The report shall be submitted to the Fire Department prior to obtaining building permits.
- 6) Johnson Road is a private way and shall remain private. The Applicant and owners of this development and any other owners of Johnson Avenue shall continue to be responsible for the maintenance of Johnson Avenue.
- 7) Prior to final occupancy permits being issued, the Applicant shall install "no parking" signs along the southern edge of Johnson Ave in order to discourage vehicles from parking on this road and possibly obstructing the flow of traffic to and from the subject site.
- 8) The Applicant shall provide a stop sign and City standard pole with a 12" stop line on Linden Court at Gilson Road and on Gilson Road at Greenleaf Street
- 9) The Applicant shall restripe the crosswalk on Linden Court at Gilson Road and on Gilson Road at Greenleaf Street
- 10) The Applicant shall upgrade curb ramps at the following locations to be ADA compliant
 - i. Gilson Road and Linden Court
 - ii. Gilson Road at Greenleaf Street
- 11) The Applicant shall provide a Construction Management Plan to include detailed traffic management plans, including temporary traffic controls, crosswalk detours, construction truck routes, staging areas and other protections, at least one month prior to the start of construction to the City's Traffic Engineer for review and approval. No construction vehicles related to this project shall be allowed to obstruct vehicle access to the neighborhood of Gilson Road or Johnson Ave or to obstruct access to any driveways of residents on these roadways.
- 12) The Applicant shall be responsible to repair any damages to Johnson Ave that occur during the construction of the project to the satisfaction of the City's Department of Public Works.
- 13) Hours for the delivery of materials during construction shall be determined by the City's Traffic Engineer upon submission of the Construction Management Plan.
- 14) The Applicant shall submit documentation indicating that construction activities at 32 Gilson Road-18 Johnson 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.

- 15) The applicant shall develop a dust control plan to be implemented during any site activities to ensure compliance with state air quality regulations.
- 16) The applicant shall commit to conformance with both local and state regulations regarding noise as the proposed construction could create noise generating activities.
- 17) Demolition: Newly amended regulations require a pre- demo survey for any potential asbestos-containing materials (ACM) be conducted by a DLI-certified inspector. If ACM is present, it must be removed by a licensed contractor, and a post-abatement inspection must be performed by DLI-certified project monitor. A pre-demolition inspection of this structure will be required to be performed by the Health Department.
- 18) State Sanitary Code: The residential units proposed to be developed will be required to meet all provisions of Article II of the State Sanitary Code (Minimum Standards of Fitness for Human Habitation, 105 CMR 410.00)
- 19) Applicant shall install survey monuments to delineate the public rights-of-way. The monuments shall be set by a Professional Land Surveyor prior to issuance of Occupancy Permit.
- 20) Upon completion of the project, the Applicant shall furnish to the City of Quincy Building and Engineering Departments a digital file of "As Built" Plans showing all utilities, building footprints, reference bounds and benchmarks defining the total site, facilities and rights of way.
- 21) The Applicant shall submit a Stormwater Operation and Maintenance Plan which shall be recorded at the Norfolk County Registry of Deeds and will include the following:
 - Stormwater management system owner
 - The party responsible for operation and maintenance
 - An estimated operations and maintenance budget
 - A maintenance log form
- 22) The Owner shall be required to submit a copy of the completed Stormwater Operation and Maintenance Plan (O&M Plan) Inspection Schedule and Evaluation Checklist Form, stamped by a Professional Engineer, annually to the City of Quincy Department of Public Works in order to document compliance with the approved O&M Plan.
- 23) One week prior to any land disturbance activities, the Applicant shall conduct an on-site inspection with the City of Quincy and/or City's designated representative to observe the erosion controls installed at the site and review the erosion controls anticipated to be employed during construction.

- 24) At any point during construction, the Applicant shall allow the City of Quincy and/or City's designated representative, to enter the site for the purpose of making observations as to the compliance of site construction with the approved Site Plans and conditions of approval.
- 25) The City of Quincy, may, at its discretion, use consultants to supplement City Staff for, but not limited to, the purpose of site construction observation. The Consultant Review escrow account shall be fully funded 30-days prior to any land disturbance activities.
- 26) The hours for construction activities will be as follows:
 - 7:00 am to 6:00 pm Monday thru Friday
 - 8:00 am to 4:00 pm Saturday.
 - All construction and deliveries shall be prohibited on Sunday unless approved by The Chief of Police
 - The hours for delivery of materials shall be determined by the City's Traffic Engineer through 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 David and Peter Murphy, DP Development, LLC, 78 Bellevue Road, Quincy, MA 02171 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, #2015-49, dated June 8, 2016, relative to the proposed redevelopment at 32 Gilson Road/18 Johnson 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.
1. **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.

2. **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.
3. **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.
4. **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.
5. **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.
6. **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.
7. **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.

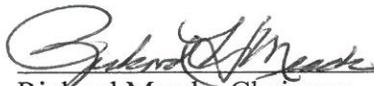
8. **RODENT CONTROL:** The developer must submit documentation that construction activities proposed for the development of this facility will not cause rodent problems for abutters. The Applicant shall develop a rodent control plan which shall be submitted to the Health Department for review and approval at least ten days prior to any site activity. Rodent control practices must continue for the duration of the construction phase of the project.
9. **ENVIRONMENTAL CONTROLS:**
Dust: The project proponent must develop an adequate dust control plan to be implemented during any proposed construction activity, to insure conformance to State and local regulations regarding air pollution. Said plan shall be submitted to the Department of Health for review and approval at least ten days prior to any site activity.
Noise: The Applicant must commit to conformance with both local and State regulations regarding noise, as development may entail noise-generating activities.
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. All construction shall be in accordance with the approved drawings and reports referenced above.
14. All water services and installations shall be in accordance with the requirements of the City of Quincy Department of Public Works.

SITE PLAN/SPECIAL PERMIT APPROVAL
32 Gilson Road – 18 Johnson Ave Site Plan/Special Permit
Planning Board Case #2015-49

DATE: June 8, 2016

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) and Section 5.1.17 (Special Permit) were complied with as regards procedures.

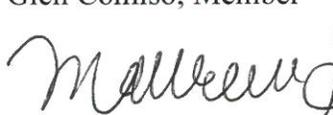
The Decision shall not take effect until recorded in the Norfolk County Registry of Deeds and/or Land Court after certificate by the City Clerk, as required by MGL, Chapter 40A, Section 11. Appeals from this Decision, if any, shall be made pursuant to MGL, Chapter 40A, Section 17 and shall be filed within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


Richard Meade, Chairman


Coleman Barry, Member


Sean Callaghan, Member


Glen Comiso, Member


Maureen Glynn, Member

Date: June 8, 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.

