



QUINCY PLANNING BOARD

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PLANNING BOARD MEETING MINUTES

Wednesday, May 1, 2013

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

MEMBERS ABSENT: James Fay

OTHERS PRESENT: Dennis E. Harrington, Planning Director
Christine Chaudhary, Planning Board Recording Secretary
Robert Stevens, Urban Renewal Planner

Meeting called to order and attendance roll call taken at 6:40 PM by Chairman William Geary.

6:41 PM NO VOTE WAS TAKEN REGARDING THE APRIL 24, 2013, PLANNING BOARD MEETING MINUTES, as the minutes were still under review. This item will be scheduled on the next Planning Board meeting Agenda, stated Chairman Geary.

PUBLIC HEARINGS (3):

6:42 PM - Medical Marijuana - Moratorium City Council Order 2013-034

Chairman Geary read into the record: *In accordance with the provisions of G.L. Chapter 40A Section 5, upon referral from the City of Quincy City Council, the Quincy Planning Board will hold a public hearing on Wednesday, May 1, 2013 at 6:30 PM (actual start time 6:42 PM) in the City Council Chambers, 2nd Floor, Quincy City Hall Annex, 1305 Hancock Street, Quincy, Massachusetts, on a Zoning Moratorium, City Council Order 2013-034:*

That Title 17 be amended by creating a new category:

6.9.1 Moratorium-Medical Marijuana Treatment Centers

6.9.2 Purpose

The Massachusetts Medical Marijuana Initiative, also known as Ballot Question Three, was approved by voters at the Massachusetts State Election on November 6, 2012. The law regulates the cultivation, distribution, possession, and use of marijuana for medical purposes. The law became effective on January 1, 2013 and the State Department of Public Health is directed to promulgate regulations regarding implementation of the law within 120 days after the law's effective date.

Under the City of Quincy current Zoning Ordinance, a medical marijuana treatment center is not defined and is not a permitted use in the City. The Department of Public Health regulations should provide guidance to communities regulating medical marijuana treatment centers at the local level.

As this is a new type of land use in the state, there will be unique and new aspects to the use that could require oversight and regulations. These local impacts, which could be legal, land use, public safety, and public health should be evaluated and addressed in a comprehensive manner in the Zoning Ordinance prior to the permitting of a medical marijuana treatment center. The moratorium, of a finite duration, will allow the City to carefully study the potential impacts, both primary and secondary, of such centers and, through a directed planning process and recommend zoning ordinance amendments to address the city's concerns in the context of the planning goals and objectives.

6.9.3 Definition

"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity", as directed by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oil or ointments), transfer, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

6.9.4 Establishment and Durations

A. No building permit, special permit, variance, site plan or other permit may be issued under this zoning ordinance, and no use of land or structures shall be allowed for the purpose of establishing a medical marijuana treatment center or associated activities.

B. The moratorium shall be in effect through and including December 1, 2013, or for a period of nine (9) months from passage of this ordinance amendment or until such time as zoning amendments are adopted that address medical marijuana treatment centers and associated activities, whichever shall be sooner.

6.9.5 Applicability

This ordinance shall be effective in all zoning districts in the city.

Planning Director Dennis E. Harrington explained that the business before the Board is for a proposed moratorium under Quincy's Zoning Ordinance (Title 17) and requires review by the Planning Board and the City Council. The Director explained that a moratorium is usually used to study an issue, and in this case studies have been done by the Office of the Massachusetts Attorney General. Director Harrington stated that the Board was provided with publications obtained from the Attorney General's Office and draft regulations issued by the Massachusetts Health Department, obtained for the Board by Planner Rob Stevens. The Attorney General's opinion is key evidence, stated Director Harrington, and moratoriums will be allowed on a limited basis. The proposed 9-month moratorium is a reasonable timeframe. Also, you have received Council Order 2013-061 regarding Medical Marijuana Amended Zoning Ordinance, which will be used in the future after the moratorium allows for study of emerging state and other rules/practices, stated the Director. Summing up, the Director stated that the Board had the evidence needed to vote, and the proper Board quorum was present. The Chairman confirmed with the Director that the matter before the Board was to approve or deny the moratorium proposed as outlined in Council Order 2013-034. There were no further comments from the Board.

Chairman Geary asked if there was anyone present who would like to speak or sign in favor of the proposal. None.

Chairman Geary asked if there was anyone present who would like to speak or sign in opposition to the proposal. None.

6:48 PM

MOTION: by Member Meade to close the Public Hearing

SECOND: Member Barry

VOTE: 4-0 MOTION CARRIES

6:49 PM

MOTION: by Member Barry for an affirmative Planning Board recommendation to the City Council regarding the moratorium as outlined in City Council Order 2013-034, based on the evidence presented to this Board

SECOND: Member Meade

VOTE: 4-0 MOTION CARRIES

6:49 PM – 6:59 PM: Short recess.

7:00 PM: The Chairman called the Board back to order and read the next Public Hearing Information into the record: **Public Hearing, 150 Bower Road, Special Permit, Planning Board Case 2013-03** (*Carried over from 4/10/13 due to lack of proper Planning Board quorum*)

In accordance with the provisions of Chapter 40A, Section 11 MGL, the Quincy Planning Board will hold a public hearing on Wednesday, May 1, 2013 at 7:00 P.M. in the City Council Chambers, 2nd floor, Quincy City Hall Annex, 1305 Hancock Street, Quincy, MA, on the application of Ultra Electronics Ocean Systems, Inc., 115 Bay State Drive, Braintree, MA 02184 for a Special Permit under Quincy Zoning Ordinance Title 17, Section 3.1.3 Major Nonresidential Use. The proposal includes the construction of a 3,642 square foot metal infill building combined with the modification to existing 4,900 square foot and 2,824 square foot buildings that will result in an 11,366 square foot facility for manufacturing, office and storage, as well as the relocation of an existing 1,000 gallon above-ground LPG tank and installation of a second 1,000 LPG tank. The 7.98 parcel is located at 150 Bower Road in Industrial A and Residential A zoning districts, as shown on Assessors' Plan No. 3019, Lot 50-8C.

Speaking on behalf of the petitioner: Michael Perrault, PE, Manager, P.M.P. Associates, LLC, Civil Engineering & Land Planning Consultants, 200 North Bedford Street, East Bridgewater, MA 02333. Mr. Perrault stated that Mr. Kenneth Kern, Vice President of Operations, Ultra Electronics Ocean Systems, Braintree, was also present. Mr. Perrault described the site, explaining that it is a unique developed site in the Quincy quarry area and was originally owned by Boston Sand & Gravel. Ultra Electronics uses a floating barge in the quarry to perform water testing and analysis of its products. Ultra Electronics is currently awaiting word from the Department of Defense on a new contract. If awarded, it would require additional space needed to house parts that are manufactured or are being refurbished. The plan is to link the two existing buildings together. Mr. Perrault stated that the Quincy Conservation Commission issued a negative determination, meaning that no further action is required by the applicant for the Commission. Mr. Perrault stated that they had meetings with City Councillor Croall. The Councillor was interested in what was being done on the site, especially with regards to the propane. Further, Mr. Perrault stated that the applicant met with the Planning Department staff, and the Fire Chief regarding the propane. Mr. Perrault said that the plan reflects all of the requirements that came up. He stated the plan has also been updated to show two ADA compliant parking spaces in front of the smaller building; the loading zone is shown on the plan; the location of the failed septic system is shown and engineering has begun to update this system.

Mr. Kenneth Kern, VP of Operations, Ultra Electronics Ocean Systems, Braintree, briefly explained what the company does. He said that the company is awaiting a federal government contract for sonar transducers. The company is currently manufacturing them. The Navy wants to refurbish and

re-manufacture existing transducers already produced by Ultra Electronics and its affiliates. The building is needed to hold those transducers that need to be remanufactured. Transducer testing is done on a barge in the water at the quarry. There was some discussion and a few questions from the Board about the quarry and the depth of the quarry—lately about 55 feet and one area about 65 feet.

7:11: Robert Stevens, Quincy Urban Renewal Planner, referred to the recommendation (approval with Conditions) memo (5/1/13) to the Board, and recapped the project. Mr. Stevens explained the site, which is actually located both in Quincy and Braintree. Braintree, by way of a vote of its Planning Board at an open public meeting on March 12, 2013, took no jurisdiction on the project, as the majority of the work area for the proposed project is in Quincy. Mr. Stevens noted that abutters in both Quincy and Braintree were notified by U.S. Mail about this Public Hearing. Though the peer reviewer on behalf of the Planning Board could not be present due to a scheduling conflict, the Board received the peer review report: Nitsch Engineering 4/3/13. The septic system was inspected at the applicant's expense, and the Title V report was provided to the Board. The Quincy Health Department provided a comment letter (4/10/13), and the septic system will need to be brought into compliance.

Regarding the propane tanks on site, the applicant has to provide for all of its water/sewer and fuel due to the isolated nature of the site. Currently, there is one propane tank located between the two existing buildings—where the infill building is proposed to be built. The tank will be relocated and a second propane tank will be added. The Fire Department is charged with reviewing and inspecting the propane facility; the Building Department, building plans; the Health Department, septic system. Mr. Stevens said there is security on the site—cameras and guards. Mr. Stevens explained the waivers needed from Article II of the Planning Board Special Permit/Site Plan Review Rules and Regulations, as outlined in the 5/1/13 recommendation memo, as well as reading aloud the Conditions listed in the memo. In response to the Chairman's question, Mr. Kern on behalf of the applicant stated that they will comply with Conditions.

Answering the Chairman's question, Mr. Kern stated that the government contract has not been awarded yet, but the company has been asked to extend its proposal through May, 2013. The Chairman confirmed with Mr. Kern that the proposal before the Board is contingent upon the award of the government contract to the applicant. The Board had no further questions or comments.

Chairman Geary asked if there was anyone present who would like to speak or sign in favor of the proposal. None.

Chairman Geary asked if there was anyone present who would like to speak or sign in opposition to the proposal. None.

7:22 PM

MOTION: by Member Meade to close the Public Hearing

SECOND: Member Adams

VOTE: 4-0 MOTION CARRIES

7:23 PM

MOTION: by Member Meade to waive Item #27—Compliance with additional related zoning--of Article II of the Planning Board Special Permit/Site Plan Review Rules and Regulations. Specifically, grant relief for:

1. 17.5.4.2 Fencing and Screening-Industrial Business Districts,
2. 17.5.1.1 Parking Facility Regulations with the exception of adding two handicapped parking spaces, including one van accessible space, to a revised engineered site plan;

3. 17.5.1.11 Parking Spaces Minimum Dimensions; and
4. 17.5.2.1 Table of Loading Area Requirements.

SECOND: Member Adams

VOTE: 4-0 MOTION CARRIES

7:25 PM

MOTION: by Member Adams to approve the Special Permit application with Conditions to include:

1. At the time the Applicant files for a building permit, the Applicant shall submit to the Planning Board three (3) full sets of;
 - a.) Building Plans of the proposed addition prepared and stamped by an Architect registered in the Commonwealth of Massachusetts.
 - b.) Plans, including details, for the installation of the proposed 1,000-gallon propane tanks.
2. At the time the Applicant files for a building permit or within one-year of the date of the Decision, the Applicant shall submit to the Planning Board a copy of an approved plan for a Title 5 Compliant System Upgrade, or equivalent.
3. 4/10/13 Comment letter from the Health Department be adhered to.
4. Prior to the commencement of any work on the site, the Applicant shall submit to the Planning Board a written detailed Sequence of Construction with a timetable. The Applicant shall also include the name(s) and telephone number(s) of the person(s) responsible on the site.
5. The hours of construction and delivery of construction material shall be as follows: Monday thru Friday 7:00 am to 7:00 pm, Saturday 8:00 am to 4:00 pm, and construction and deliveries of construction material prohibited on Sunday.

SECOND: Member Barry

VOTE: 4-0 MOTION CARRIES

BUSINESS MEETING:

7:27 PM: Other Business:

STATUS: "Boardwalk Residences at Marina Bay", Special Permit Site Plan Review, Planning Board Case No. 2012-14

A status report was given by Planning Director Harrington. The Board voted at its prior open public meeting to grant Special Permit-Site Plan Review for a total of 352 residential units in the North & South Buildings with all parking for residents within garage areas, and there was a vote requiring that the Applicant is to submit final revised plans. The major easements and parking regulations were voted and approved, leaving a few minor easement documents to be dealt with. Minor approvals are still needed for screening of parking garages and fencing. Final landscape plans for the Boardwalk are still to be approved, stated Director Harrington. The program for the enhanced shuttle service was submitted to the Board's peer reviewer Jeff Dirk, PE, Vanasse. Director Harrington noted that all peer reviewer's recommendations were adopted. The Director met in Boston with Mr. Lucius (LandWorks, Boston) and Halvorson Design to review the landscape plans; there will be a second and final meeting this Friday with Chairman Geary to finalize plans. A project Decision for execution by Members will be available on May 8, 2013, and will become effective upon filing with the City Clerk. Minor unresolved topics include: garage screening material choice, assuring that at least two parking

lots can be used for small public events at times—parking lot to have proper safety barriers and no tire stops allowed. Other than those details, the Director stated, the Marina Bay project review is complete subject to your approval and signature.

**7:35 PM Public Hearing, 77-83 Newbury Avenue, Special Permit - Site Plan Review
Planning Board Case No. 2013-02**

(Carried over from 4/10/13 due to lack of proper Planning Board quorum)

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 public hearing on Wednesday, May 1, 2013 at 7:30 PM (actual start time: 7:35 PM) in the new City Council Chambers, 2nd floor, Quincy City Hall Annex, 1305 Hancock Street, Quincy, Massachusetts, on the application of Hresko Associates, Inc., 110 Broad Street, Boston, Massachusetts, for Site Plan Review under section 17.9.5.1(1) and special permit under 17.9.4 and 17.3.1.4 for Multi-family use in the Business A zoning district. The legal owner of the land is Huang MJ Construction, 69 Appleton Street, Quincy, Massachusetts. The 4,900 square foot lot is located at 77-83 Newbury Avenue. The project is the addition of approximately 1,400 square feet of gross floor area to convert an existing residential and commercial mixed use building into a 6 unit residential-only building. The land is within a Business A zoning district and is shown on Assessors Map 6046/1.

Mr. Phil Hresko, AIA/ASLA, Hresko Architects, PC, 110 Broad Street, Boston, MA, spoke on behalf of the applicant Huang MJ Construction; Mr. Kevin Huang was also present. Mr. Hresko used displays while explaining the existing building, which is now made up of commercial/retail space on the first floor and two rented apartments on the second floor. There is a beauty parlor and laundry facility on the first floor and one vacant retail space. Mr. Hresko pointed out where the second floor addition would be added. The proposal is to add a second floor to the retail space to the “left” of the laundry and a small addition to the rear. Mr. Hresko said that the impact to the street is the addition of the second floor. He explained the types of materials that would be used, such as a cement clapboard type of material (aka “hardy plank”) and slate-like shingles. The proposal would result in an improved and updated building. Mr. Hresko showed floor plans for the apartments, a total of six 2-bedroom apartments if the proposal for 4 new apartments is approved. He went on to explain the slope of the site and stated that the rear of the building will be above grade.

Planning Director Harrington stated that the applicant provided project information to the Zoning Board of Appeals and the Building Department, as well as Planning Department staff. This project requires mandatory Site Plan Review due to its proposed expanded residential use in a Business A zone, the Director advised. Though the matter was somewhat delayed, the Director assumed the role of project reviewer. He is very familiar with the property and neighborhood—including the site’s topography, exposed fire escape at the rear of the building, the local church nearby, and the on-street parking. After adequate information was filed by the Applicant’s agent and reviewed, the Director advised that both peer review and required fees were waived, a traffic study was waived (as well as other studies). The proposal includes the benefit of a completely enhanced fire protection system, the Director stated. Further, he stated, that this project requires Zoning Board of Appeals approvals for dimensional relief. The Director stated that if the Planning Board granted Site Plan Review-Special Permit approval, the project would still need to go to a public hearing before the Zoning Board of Appeals for dimensional relief and parking relief—as only on-street parking is proposed.

There was much discussion between Chairman Geary and Director Harrington in order to clearly understand the scope of the Planning Board considering the requirement that the project must go before the Zoning Board of Appeals for dimensional and parking relief. The project is already mixed use but the proposal is to have the whole building for residential use, and not any retail/commercial use. Even the addition of one residential unit (to the existing two) triggers Site Plan Review, stated the

Director. The Director stated that the plans and the Article 2 Plan Contents Checklist comments from the Applicant, as well as responses to further information requests and answers to questions during review, were professional and complete. The Chairman asked the Board if they had any questions or comments. In response to Member Adams' question, the Applicant used displays and explained the different heights of the proposed sections of the building and stated that the roofs are all flat. As discussion continued between the Chairman and Director to determine what issues the Planning Board might vote upon tonight, the Director explained that the Zoning Board of Appeals could Condition the project, for example, to come back before the ZBA with a three-unit addition proposal, versus the four-unit addition proposed here before the Planning Board.

A neighbor who did not wish to identify herself asked if there was any proposed parking on the premises. The Applicant's answer was "No"—as only on-street parking is proposed. There was some discussion about a small section of land on the site (about 11 feet 9 inches wide). This area will be landscaped, and is not a location compliant for parking use. Other potential options were discussed for on-site proposed parking; none were deemed compliant for parking use. The Chairman stated that, speaking as an individual Member, he thinks it would be desirable to have more housing in that neighborhood that is close to public transit. However, the Chairman expressed concern about the lack of availability of parking near the proposal's site, especially at night. The Chairman stated that he drives that area often, and the street parking is full. He stated that he is not sure where night parking could be found.

Chairman Geary asked if there was anyone present who would like to speak or sign in favor of the proposal. None.

Chairman Geary asked if there was anyone present who would like to speak or sign in opposition to the proposal. None.

8:09 PM

MOTION: by Member Meade to close the Public Hearing

SECOND: Member Barry

VOTE: 4-0 MOTION CARRIES

The Chairman asked for a motion.

8:10 PM

MOTION: by Member Adams to grant approval for conversion of the entire expanded building to be residential only use subject to the Zoning Board of Appeals approval of required relief.

SECOND: Member Barry

VOTE: 4-0 MOTION CARRIES

8:11 PM

MOTION: by Member Meade that a certified and stamped landscape plan be submitted to the Planning Department for approval

SECOND: Member Adams

VOTE: 4-0 MOTION CARRIES

8:12 PM

MOTION: by Member Meade to adjourn

SECOND: Member Barry

VOTE: 4-0 MOTION CARRIES