

PLANNING BOARD  
Meeting Minutes  
Thursday, July 14, 2016  
Judge Welsh Room  
6:30 P.M.

**Members Present:** John Golden, Grace Ryder-O'Malley, Brandon Quesnell, Ryan Campbell, Steven Baker and Dave Abramson.

**Members Absent:** James Woods (excused).

**Staff:** Gloria McPherson, Town Planner.

Chair John Golden called the meeting to order at 6:33 P.M.

## **Meeting Agenda:**

### **1. Work Session:**

a) **Discussion with Bill Docker, Chair of the Beautification Committee:** Bill Docker appeared to speak to the Board about the interests and mission of the Beautification Committee. He reviewed the Committee's mission statement. Its long-term goal is an overall improvement to the Town for its residents and its visitors. He thanked the Department of Public Works for its help in the projects that the Committee has undertaken. He believes that the Board and the Committee have overlapping interests in the design and development of three particular projects that are in the initial planning stages or on the horizon. He reviewed the three projects, which are Fisherman's Wharf, the corridor to the Bas Relief, and the upgrade of the Pilgrim's First Landing Memorial Park. There have been preliminary discussions with Seamen's Bank, which pays for the upkeep and maintenance of the Park from an account funded by selling plaques and benches at the site, and the Chamber of Commerce about design and infrastructure repair. In 2017, a landscape designer will be hired for the upgrade of that area, as the Park will be a focal point for many 2020 celebrations. He answered questions from the Board, which was open to having joint meetings with the Committee and discussed how to move forward in the process, such as scheduling a roundtable and a site visit in the future. The Board will discuss the meetings further and Ms. McPherson will contact Mr. Docker.

### **2. Public Comments:**

None.

### **3. Public Hearings:**

a) **Case #FY16-29** (*continued from the meeting of June 23<sup>rd</sup>*)  
Application by **William N. Rogers, II, on behalf of AR Franklin, LLC** requesting a Special Permit pursuant to Article 4, Section 4015 Site Plan Review by Special Permit, of the Zoning By-Laws to construct two duplexes comprising four one-bedroom units at the property located at **65 Franklin Street.**

Attorney Lester J. Murphy appeared to discuss the project. He said that in speaking with his client, Ron Reil, the principal of the project at the site, and based upon the response of the Board and members of the public, Mr. Reil has decided to re-think and revise the development. In the meantime, he is requesting that the Board allow Mr. Reil to withdraw the application without prejudice. He will re-design the project and submit a new application.

Ms. McPherson summarized the Board's and the public's concern about the project in that it was being developed as one large parcel divided into multiple lots. The consensus of the Board was that it would like to see the smaller parcels examined as one big project, understanding that there were single-family lots on that parcel, potentially having a shared driveway common parking and smaller curb cuts. The Board, or Board members, would be open to having a pre-application meeting with Mr. Reil.

***There was a motion by Ryan Campbell to grant the request to withdraw Case #FY16-29 without prejudice. Steven Baker seconded. VOTE: 5-0-0.***

Doug Dolezal, a neighbor of the project, agreed with Ms. McPherson's comments and said that many other neighbors had the same opinion.

b) **Case #FY16-28** (continued from the meeting of June 23<sup>rd</sup>)

Application by **BPJC, LLC** requesting Site Plan Approval and a Special Permit pursuant to Article 4, Special Regulations and Section 4015 Site Plan Review by Special Permit, of the Zoning By-Laws to construct 13 residential units, a septic system and associated site development, including earth moving of greater than 750 cu. yds. at the property located at **350 Bradford Street**. John Golden, Grace Ryder-O'Malley, Brandon Quesnell, Steven Baker and Ryan Campbell sat on the case.

Attorney Lester J. Murphy, Chris Wise, principal developer, Reggie Donaghue, engineer, Gordon Peabody, of Safe Harbor Environmental, and Phillip Cheney, landscape designer, appeared to discuss the project. Attorney Murphy stated that the applicant had supplied the Board with supplemental information about the project based upon previous meetings. The applicant has also made an effort to consult with the Fire Department and DPW, various Town officials and Town Departments to make sure the design was acceptable to those entities. Revised plans have been submitted to address the issues raised and changes requested by the Board, including the suitability of the proposed 18' road width for the Fire Department and approved by of the Board of Fire Engineers, indicating the stub for the sewer connection and the location of the hydrant and water system, acceptable to the Water Dept., on the site plan. Also submitted was a plan showing which trees on the site would be saved, resulting in the re-location of a retaining wall, and which trees would be removed.

Mr. Donaghue reviewed the engineering on the revised plans, including the water lines and the new location of the hydrant on the western boundary. The landscape plans include the re-grading along the western boundary and clarify the placement of fill between the two retaining walls. He said that tree protection using 2x4 slats has been included in the project. Bicycle racks have also been added to the landscaping plans. The Board noted that only one bicycle rack was visible on the revised plans and questioned its location.

Attorney Murphy noted the placement of one-way signage on the plan as requested by staff. He said that the applicant had tried to address the Board's concerns regarding the scope of the project, specifically the issue of the slope stability, which is included in his draft of conditions for the project. He said that the plans submitted were preliminary design plans and not fully-engineered construction plans. He reviewed some of the draft conditions proposed by the applicant. The applicant is proposing two conditions to address the concerns about stabilization of the slope and the retaining walls; the first condition is that before any work is commenced, the Town, through the Board, would hire a properly qualified engineers(s) to peer review the final engineered construction plans for the project in order to endorse the slope protection. The second condition is that a bond, or the sum of \$100,000 in cash, would be deposited with the Town and held in escrow, to guarantee the proper installation of the temporary shoring and the final permanent foundations and retaining walls. The Town would hold that sum until the project had been completed and the wall had gone through a winter season. In addition, a sum of money equal to 25% of the cost of the final landscaping planting would be placed in escrow with the Town and would be available for the replacement of plantings that did survive for 3 years.

Attorney Murphy said that another issue raised by the Board and the public was regarding the disposition of the cherry trees on the site and whether they could be saved or moved off site. He said that the trees would not fit into the landscaping plan that had been developed for the site. The applicant has agreed to work with the neighbors to re-locate the cherry trees in the neighborhood. The move would be subject to the approval of the Town's Tree Warden as well. Attorney Murphy added that the watering program for the new vegetation as planted will include watering by hand, only from various water spigots located on the site. Attorney Murphy stated that the project was consistent with the criteria of Article 5, Sections 5330 and 5331 and was willing to elaborate those reasons at the Board's request.

The Board questioned Attorney Murphy, Mr. Donoghue and Mr. Cheney and discussed conditions. The Board proposed that the escrow be held through the spring, not just the winter. The Board requested more bicycle racks on the site, was concerned about the viability of the watering plan, suggested condominium regulations restricting urban agriculture by unit owners on the site and suggested that there be a restriction that extra parking spaces will not be conveyed or leased to other than unit owners. The Board reviewed and discussed the location of the landscape lighting fixtures and the proposed exterior wall-mounted lights, which are not Dark Sky compliant.

Thomas Biggert noted that the cherry trees were in memory of the daughter of a Town resident. He urged that the trees be saved and left on the property if at all possible. He suggested that the land that the trees were located on belonged to the state.

Ms. McPherson summarized proposed conditions, including a request for two more bicycle racks, for a total of 15 bicycle spaces on the site, and combining the proposed lighting plan with the landscaping plan, changing the external light fixtures to Dark Sky compliant fixtures, undertaking hand-watering only until plantings are established, depositing 25% of the final landscaping cost in escrow with the Town, restricting the sale or lease of extra parking spaces to unit owners only, holding the escrow or bond for the temporary shoring until no earlier than June following the first winter. Mr. Cheney commented on the 4 ornamental cherry trees and

recommended that they be transplanted off-site. The Board agreed to request that the applicant remove the cherry trees and work with the Town Planner and the DPW Director/Tree Warden to find an location on Town-owned property, if possible, and if not, to work with the abutters to find an appropriate place for re-planting them. The Board discussed granting the Special Permit contingent upon five plan revisions requested.

***There was a motion by Ryan Campbell moved to find that, based on the evidence submitted to the Board, the project at 350 Bradford Street was not substantially more detrimental to the Town or the neighborhood than the existing situation and that the social, economic and other benefits to the Town outweigh any adverse effects, such as hazard, congestion or environmental degradation pursuant to Article 5, Section 5330 of the Zoning By-Laws. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.***

Ms. McPherson said that the applicant also requested a waiver from the curb radii requirement in Article 4, Section 4163.

***There was a motion by Ryan Campbell to grant the request for a waiver from Article 4, Section 4163 of the Zoning By-Laws. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.***

***There was a motion by Ryan Campbell to grant the Special Permit pursuant to Article 4, Special Regulations and Section 4015 Site Plan Review by Special Permit, of the Zoning By-Laws to construct 13 residential units, a septic system and associated site development, including earth moving of greater than 750 cu. yds. at the property located at 350 Bradford Street with the conditions as reported in the Staff Report, as amended, plus the additional condition #11 that selling or leasing of parking spaces to other than unit owners is prohibited. Grace Ryder-O'Malley seconded. VOTE: 5-0-0. Steven Baker will write the decision.***

#### **4. Work Session (cont'd)**

##### **a) Inclusionary By-Law**

i. Debrief from Joint Meeting with the Board of Selectmen: Ms. McPherson passed out the revised Inclusionary By-Law. Ms. Ryder-O'Malley reviewed the Joint Meeting discussion including the feedback the Board received from developers, the need for fairness and predictability in fees, incentives, issues about growth management, the buy-out and flat fee issue and whether the By-Law would be ready for fall Town Meeting, which it would not, and community versus affordable housing. Ms. McPherson added that rather than using unit count based on the density schedule, that the number of bedrooms based upon the capacity of the land be used and leave the number of units to the discretion of the developer.

ii. Brainstorm ideas for incentives: Some of the ideas discussed by the Board for incentivizing affordable housing development included how to streamline the process and make it more fair, predictable and cost effective for the developers, types of fees, including a flat fee buyout, revising existing Zoning By-Laws and waiving Planning Board Special Permit requirements. Ms. McPherson suggested a flat fee buyout tiered based upon the scale of the development. She said that the city of Boston had a tiered approach based upon different zones, with each zone having its own flat fee. The options of a flat buyout or a hardship exemption were

mentioned. In response to concerns raised by the BOS, she noted that Town Counsel has studied multiple drafts of the Inclusionary By-Law and she will share the Board's ideas with Town Counsel to assure that they would be acceptable to the Attorney General's Office. Ms. Ryder-O'Malley said that the issue of incentivizing community versus affordable housing, the latter of which was more apt to generate state funding than the former, had been discussed at the Joint Meeting. So far, only 5 community housing units have been developed as opposed to approximately 283 affordable units in Town.

Mr. Baker recommended that the Board develop a strategy in order to move forward with this issue and then work on the details. The Inclusionary By-Law is only one part of solving the housing issue and that is the Board's challenge. He mentioned encouraging and increasing home ownership by dedicating resources to helping renters qualify as a possible way of generating more housing. That could be done with the help of community housing resources in Town. Ms. McPherson said that the Housing Playbook begins to deal with that issue. She will send Board members the most recent copy of the Playbook. Ms. Ryder-O'Malley mentioned the Housing Trust Fund and wondered if money could be collected for community as well as affordable housing. Ms. McPherson said that the BOS determined where those funds are applied. She wondered if the direction of those funds could be changed with a change in the language. Ms. McPherson reviewed the section of the By-Law that addressed the distribution of affordability, which is made part of the Special Permit given by the Planning Board in consultation with the Community Housing Council. It is skewed towards the creation of affordable versus community until the 10% state threshold is reached. She added that in terms of what the Board is able to do to help the process, it is allowed to waive any of its requirements that it wants.

Mr. Quesnell raised the issue of the lack of seasonal housing for workers for discussion. The Board discussed using zoning solutions to alleviate the problem, including an overlay zone where high density in large buildings for seasonal workforce housing would be allowed and the potential role of business organizations in Town generating workforce housing. The idea of allowing accessory dwelling units in all zones was discussed. Ms. McPherson will look into zoning that supports the required density for workforce housing and look at a map of the zoning districts with that idea in mind. The Board should think about ways to incentivize the development of units for seasonal workforce rentals. She will look at potential areas for increasing density for seasonal housing.

b) **Update on 137 Bradford Street:** Ms. McPherson said that permits had been issued to the project without the required action by the Board. The property is subject to Site Plan Approval by Special Permit .She has been in touch with the project manager and the Director of the DPW, Rich Waldo, about the project and the fence. The owners of the property requested putting up temporary Jersey barriers instead of the fencing. The Board will get an application and require the applicant to put in landscaping, street trees, curbing, sidewalks and access points. She and Mr. Waldo did a site visit to look at where the temporary barriers should be placed. This is a good idea because the Jersey barriers will give the Board an idea of how the site will work temporarily, or not work, before permanent conditions are required.

- c) **Minutes of April 23<sup>rd</sup>, August 27<sup>th</sup> and October 22, 2015, January 14<sup>th</sup>, January 26<sup>th</sup>, February 11<sup>th</sup>, March 24, April 28<sup>th</sup>, May 12<sup>th</sup>, June 9 and June 23, 2016 meetings:**

June 23, 2016: *There was a motion by Steven Baker to approve the minutes as amended. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.*

The remaining minutes were tabled.

d) **Any other business that may properly come before the Board:** Ms. Ryder-O'Malley mentioned an email she received from Michelle Jarusiewicz about the community primer on housing development workshop on July 26<sup>th</sup>, which is related to the Urban Land Institute Technical Assistance team efforts to address housing needs in the Town. She will make copies of the email for Board members. She also wants to talk about the Board's design and permitting form.

Mr. Golden requested that the Board have a discussion of road setbacks in Town, specifically the issue of landscaping that continues down to the edge of roads and hedges growing out into Town right-of-ways. Apropos that issue, the Board briefly discussed requiring applicants to put boundary lines on all plans, not just on site plans, in order to tackle the issue.

There was a motion by Ms. Ryder-O'Malley to adjourn the Planning Board meeting at 8:45 P.M.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2016  
John Golden, Chair