

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS

December 6, 2023, 7:00 p.m.
Weymouth High School - Humanities Center
1 Wildcat Way, Weymouth

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2024 FEB -6 AM 8:21

Members Present: Kemal Denizkurt, Chairperson
Brandon Diem, Clerk
Carsten Snow-Eikelberg
Nicole Chin
Absent: Jonathan Moriarty, Vice-Chairperson
Also Present: Robert Luongo, Director of Planning
Eric Schneider, Principal Planner
Monica Kennedy, Assistant Planner
Recording Secretary: Janet P. Murray

Chairperson, Kemal Denizkurt, called the Board of Zoning Appeals meeting to order at 7:00 p.m. in the Weymouth High School Humanities Center, 1 Wildcat Way, Weymouth, MA, and explained the procedures that would be followed to the people present.

Old Business:

Case #3502- (Hearing Continued Until 1/31/2024) The petitioner, Pond Street Acquisitions, LLC, for property located at **505 Pond Street & 1537 Main Street**, also shown on Weymouth Town Atlas sheet 61, block 639, lots 4 & 7, located in the B-1 District. The petitioner is seeking to:

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|----------------|--|
| Special Permit | 120-25 (A), (B), and (C) |
| Special Permit | 120-40 extension or change by special permit |

The subject property is a 71,581 sf parcel of land with a 40,950 sf warehouse building that was previously Factory Paint & Decorating store and a 19,178 sf parcel with an unoccupied single-family dwelling. Petitioner proposes two buildings, 9,710 sf and 7,916 sf, totaling 17,626 sf. The uses will include restaurant and retail operations, a drive-through lane, a mobile-order pick-up window, and a modest outdoor seating area. The remainder would be parking, vehicle aisles, & landscaping.

Case #3511- The petitioner, **864 Broad Street**, LLC, for property located at 864-884 & 890 Broad St., also shown on Weymouth Town Atlas sheet 23, block 253, lots 14 & 16, located in the B-2 District in the Lower Jackson Square Overlay District. The petitioner is seeking to:

| | | |
|--------------------------------|------------------|------------------|
| Special Permit AND/OR Variance | 120-25.39 | Applicability |
| | 120-25.41(C & D) | Intensity of Use |

The subject property is a 34,903 sf parcel of land with commercial structures used for a variety of commercial uses including funeral home, barber shop, law office and

tanning salon. The applicant seeks to construct a new mixed use building with retail on grade level and 64 residential units and 218 parking spaces.

Case #3512- The petitioner, **910 Broad Street, LLC**, for property located at 910 & 920 Broad St., also shown on Weymouth Town Atlas sheet 23, block 253, lot 17, located in the B-2 District in the Upper Jackson Square Overlay District. The petitioner is seeking to:

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|--------------------------------|-----------|-------------------------|
| Special Permit AND/OR Variance | 120-24.41 | Intensity of Use |
| | 120-25.42 | Required Parking Spaces |

The subject property is a 17,812 sf parcel of land with multi-family residential structures. The applicant seeks to construct a new mixed-use building with retail on grade level and 42 residential units.

Case #3513 - The petitioner, **910 Broad Street, LLC**, for properties located at 881, 899 & 909 Broad St. and 1404 & 1406 Commercial St., also shown on Weymouth Town Atlas sheet 25, block 305, lots 1, 10, 9, 11 & 4, located in the B-2 District in the Lower Jackson Square Overlay District. The petitioner is seeking to:

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|--------------------------------|-----------|-------------------------|
| Special Permit AND/OR Variance | 120-24.41 | Intensity of Use |
| | 120-25.42 | Required Parking Spaces |

The subject property is a 26,552 sf parcel of land with commercial structures used for a variety of commercial uses including a restaurant. The applicant seeks to construct a new mixed use building with retail & a garage on grade level and 63 residential units above.

Case #3514 - The petitioner, **1409 Commercial Street, LLC**, for properties located at 1409 Commercial St., also shown on Weymouth Town Atlas sheet 23, block 306, lot 11, located in the B-2 District in the Lower Jackson Square Overlay District. The petitioner is seeking to:

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|--------------------------------|-----------|-------------------------|
| Special Permit AND/OR Variance | 120-24.41 | Intensity of Use |
| | 120-25.42 | Required Parking Spaces |

The subject property is a 9,842 sf parcel of land with a commercial structure. The applicant seeks to construct a new mixed use building with retail & a garage on grade level and 31 residential units above.

Ms. Snow-Eikelberg made a motion to re-open the public hearings on **Case #3511, 3512, 3513, & 3514** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Mr. Denizkurt noted that one of the board members had a conflict with this evening's meeting that he had disclosed at the last meeting. Under the Mullen rule, he will be

able to watch video of this meeting and sit on the next meeting. There will be four members for tonight, but five at the next meeting.

Mr. Edward Fleming stated that is here on behalf of the applicants for the four applications which are all in Jackson Square. He noted that there have been a couple of presentations before this board.

Mr. Fleming stated that the last time they appeared before the Board, the plans had not yet been completed. Revisions have been made to the plans, which addressed a lot of the comments and concerns that were raised not only by the neighbors, but by members of the board. They will provide an overview to highlight the changes.

Mr. Fleming noted that their goal has been to address a number of the concerns that were raised by the members of the board and the neighborhood, including but not limited to issues related to:

- Vehicular access to building A
- Parking for Building B
- Height of some of the buildings.
- Shadow studies
- Streetscape

Mr. Fleming noted that the following people are here tonight to present:

- Bill Mensinger and Daniel Riggs from Embarc Design
- Mike Rettenmaier from MDLA Landscaping
- Bill Scully from Kimley-Horn
 - traffic changes and some additional traffic information
 - parking layout
- Susan Spratt from McKenzie Engineering
 - stormwater management

Mr. Riggs stated that he will review the following:

- Building A vehicle access
- Building B Parking
- Parking Summary
- Building C Height Reduction
- Unit Summary
- Setbacks
- Street Section
- Parking and Loading Diagram
- Signage
- Pedestrian Views

Mr. Mensinger stated that they heard the concerns about Building A's access off Lovell Drive for safety and congestion reasons, as well as there being a lot of younger children and families in that area. It will be aligned so that it is a dedicated entry off

of the Lovell access drive directly across from the Building B access drive. This creates a single intersection, which will be safer than having them staggered, as well as help with delivery backup for Building B so a truck can back in. In addition, they created a consistent pedestrian sidewalk along the access drive down and around through the park.

Mr. Mensinger stated that they added 19 sub-basement level parking spaces in the back; it is a lower level because there is a grade change from Broad Street to Lovell Field of about a story. He pointed out that all of the buildings will have on-site parking for residents. He reviewed the parking summary. He noted that the previous number of off-site parking was 259; it has increased to 287, which is one over the zoning requirement.

Mr. Mensinger reviewed the height of Building C; it was previously a five story building and is now four stories. He noted that the previous positioning of the building was problematic as it would cast deeper shadows on Broad Street, thus closing in on the walkable experience on that street. He continued that they removed an entire story from Building C taking the eight units and shifting them over to Building A. He added that Buildings B and D remain untouched. There are still 200 units. He further reviewed the building step backs.

Mr. Rettenmaier shared a detailed section through Broad Street to better explain how they are trying to create this town square feel with the street streetscape improvements. He reviewed the current sidewalks which are about six feet wide directly behind the curb with few street trees. Many of the buildings are up against the back of the sidewalk. There will be a widening of the sidewalks on each side of Broad Street ranging between nine and 10 feet on the south side while on the opposite side will be just over 12 feet.

Mr. Rettenmaier stated that the existing street parking is meant to remain. They will provide granite curbing, brick banding, Town Square light poles that match Jackson Square standards, and street trees that will improve shade as well as provide traffic calming. He noted that up against the buildings, or frontage zone, there will be space that allows for decorative planters and potential seating depending on the use of the building's interiors.

Mr. Mensinger reviewed the revised parking schematic and signage.

Mr. Riggs reviewed site and pedestrian views.

Mr. Scully reviewed the traffic and parking analysis highlighting some minor updates and an update on the proposed mitigation at this stage.

Ms. Chin stated that she would like to see how the crosswalk would cut through Broad Street and all those curb cuts and bump outs more clearly defined as well as all of the egress paths planned for the site.

Ms. Chin asked about bike parking.

Mr. Scully stated that bike parking will be provided in each of the buildings most likely in the garage area as well as external loops around each area.

Ms. Chin pointed out on sheet C3, it looks like the stormwater tanks are extending out slightly into the roadway. She questioned if it was possible to push them back.

Ms. Spratt stated that they could take a closer look and try to get them within their individual access roads. She noted that they are working with the town to get an easement to install both of those systems.

Ms. Chin asked for a description of the planting zone next to herring run closer to building C.

Mr. Rettenmaier stated that on the north side of the Herring Run, they were required, in coordination with town and Conservation Commission, to have a 20 foot wide landscape buffer. It will be all native plant material. The plan is to provide shade trees as well as shrubs and perennials. There is also screening that is required for utilities.

Ms. Chin asked if there was a setback from the flood zone.

Ms. Spratt stated that Conservation requested a 20 foot setback from the Herring Run on Building B and C. She added that they have provided a rain garden at the back of Building C with additional compensatory storage to account for the filling of the 100 year floodplain elevation.

Ms. Chin asked about the transformer vault.

Ms. Spratt stated that it is outside of the limit of the 100 year flood zone.

Ms. Chin asked about the landscape terraces on top of each building.

Mr. Riggs stated that Building A will have rooftop amenity space as well as green space in the with a series of roof pavers and planters. Buildings B and C will have outdoor roof patios, with planters but not necessarily full green roofs.

Ms. Chin questioned the roof mechanicals and if they would be visible from the street and how high that equipment would be.

Mr. Riggs stated the mechanicals will not be visible from the street. He added that there will be larger equipment for Building B which has the restaurant, but they are looking at the ground level space in the back that could be screened. The residential condensing units are curb mounted to the roof and roughly 30 inches tall, possibly 36

inches with the curve itself and are situated away from the parapet which makes them very difficult to see from a pedestrian or vehicle vantage point.

Ms. Chin asked about the height of the retaining walls on the side of Buildings A and D.

Ms. Spratt stated that for Building A, they match the height of the patios, which are about elevation 38 and the retaining walls for building D are the existing elevations.

Mr. Diem noted that Building B is the only one that will require a variance. He noted that given the fact that there is a topography change throughout the square, it would be nice to have mechanicals screened.

Mr. Diem asked about the overhead utilities in the square and whether or not it has been addressed as a full burial.

Mr. Riggs stated that they do not have an answer for that at this time.

Mr. Diem stated that he would appreciate it if the utilities could be buried.

Mr. Denizkurt asked if the plan is to use brick in the crosswalks.

Mr. Scully stated that the Department of Public Works (DPW) has pushed back against the proposed use. He noted that there are new methods that might be something that DPW can work with better in terms of maintenance. He continued that from a transportation point of view, and pedestrian safety, he would like to differentiate the crosswalk with a different look and a different material.

Mr. Luongo stated that DPW is adamant that brick is not used because it fails within a few years and is a big maintenance issue with snow plowing. He noted that the material details can be worked out and included in the conditions.

Mr. Luongo noted that the developer has agreed to still comply with 10% affordability for the entire project even though the project has been scaled back to only four stories. Zoning requires affordability only if there are five stories. In addition, they have agreed to provide a ten-foot walkway on the east side of the Herring Run where Nico's restaurant is, as well as on the west side.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was the following response.

Genevieve Healy stated that she abuts where Building D will be located. She asked for clarification if that building will be four stories.

Mr. Riggs stated that it will be five stories as the zoning allows for that.

Ms. Healy stated that she appreciates that the Board has worked with the applicant to see that this project enhances Jackson Square. She added that she also appreciates all the development in the parks surrounding the area.

Donald Rafferty questioned the traffic count at the level field entrance. He noted that the count was 102 cars. He asked if that is an actual count from the traffic study that was done 6/9 to 6/11, 2022.

Mr. Scully stated that the Broad Street data are estimates going in and out of Lovell Field based on data from Pingree School and on models from the Institute of Transportation Engineers (ITE) where traffic estimates are based on school size or soccer field activity as well as the observations of parking taking place with Pingree school parents.

Mr. Rafferty asked if automatic traffic counters were used in the area.

Mr. Scully stated they did have a number of them and then they also manually counted all the major intersections.

Mr. Rafferty asked if there was a count as to how many cars were actually entering and exiting the Lovell Field driveway.

Mr. Scully stated that they did not have a counter on it as soccer was not taking place at the time of the counts.

Mr. Scully stated that he has an actual number for going in and out of Pingree school from 2017 which they used. He noted that the school size is about 250 students. When the traffic study was done, they had 270 students there. He continued that they used their numbers to estimate entering in the morning at the school.

Mr. Rafferty noted that the soccer fields were not even developed yet.

Mr. Scully stated that in the morning, the soccer fields are irrelevant. In the late afternoon, they made estimates based on ITE standards which measure activity at recreational and soccer fields.

Mr. Rafferty stated that this intersection is the key intersection where the residents of the new building are going to come out of a parking garage, is the sole entrance to an elementary school, and is the busiest soccer field in the town. He questioned why actual counts were not done.

Mr. Scully stated that the counts were done during the master plan study.

Mr. Rafferty asked how many additional trips were noted during the count.

Mr. Scully stated that that during the morning peak hour of the project there were 191 additional trips in total from buildings A, B, C, and D, commercial and residential. In the existing condition, when we did the data collection, soccer was not taking place on a Thursday night.

Mr. Scully stated that they did a series of counts within the whole square area. He stated that they loaded up the traffic on the Lovell Field driveway under the existing condition and the no build condition assuming the access restriction is placed on the Pingree driveway off Commercial Street, even though that really does not happen until after the typical peak hour condition.

Mr. Scully stated that they estimated the soccer activity based on standard solid models of soccer activity. He noted that in the future, the MBTA lot is going to be available with a pedestrian connection to the fields which will result in a change to the traffic pattern at this driveway.

Mr. Denizkurt asked Mr. Scully if it is his testimony that there was no specific traffic count for the soccer field being used but they did do an estimate based on the standards of the traffic analysis that is required.

Mr. Scully stated that this is his testimony.

Mr. Rafferty asked if the 191 additional trips are going down this Lovell Field entrance.

Mr. Scully stated that it is 191 peak hour trips, related to Building A, B, C, and D. He added that they were scattered. They did an assessment of going into building D, going into building C, going into buildings A and B, as well as the commercial demand that uses on street parking or upper Broad Street parking.

Mr. Rafferty stated that this is the sole entrance to Pingree school where parents are allowed to drop off and pick up their kids. He noted that he sat in the parking lot and in 35 minutes, 158 cars went through that intersection either in or out.

Mr. Scully that they had 150 morning peak hour trips going in and out of that driveway under existing conditions. He noted that they have added in that kind of traffic now. He continued that the restriction for the school is only in place for 30 minutes (8:45 a.m. to 9:15 a.m.) and once the restriction is not in place, in fact, prior to the restriction, staff can enter from Commercial Street. He pointed out that the morning peak hour traffic is going to occur somewhere between 7:15 a.m. and 8:15 a.m. depending on which intersection is considered. The peak hour actually occurs prior to the school peak arrival or that restriction time period thus there is less of a conflict.

Mr. Scully stated that all of the traffic leaving Building A in the morning was pretty much taking a right turn.

Mr. Rafferty asked if it is common to use seven year old traffic collection data when modeling a project.

Mr. Scully stated that it is acceptable in this case because it is a particular use. He stated this is about a trip generation count.

Mr. Denizkurt stated that the traffic has been reviewed by the town's traffic engineer who is present this evening.

Mr. Rafferty noted that the Lovell Field driveway is not a public way, they need a special easement or license to use it to access. He questioned why actual counts were not done. He also noted that they are requesting to use the town driveway for commercial development and are looking for special permission to put their stormwater on townland. He pointed out that in design standard number 12 in this area, new construction or significant rehab shall retain all stormwater on site. They are not keeping it on site, it will be on town property.

Mr. Denizkurt stated that this has been looked at by the town.

Mr. Rafferty stated that if 238 parking spots are to discharge onto a soccer field and an elementary school driveway, this is setting precedent.

Mr. Denizkurt noted that every application is unique.

Mr. Schneider stated that the town fully acknowledges that in order for the plan as it is currently laid out to work, licenses, easements, or some other form of agreement will have to be established. If the town deems that there is enough benefit in the project, it will be allowed.

Mr. Rafferty asked who determines if someone is worthy of getting access to a school driveway for development.

Mr. Fleming clarified that they do not need a special permit or permission to utilize the Lovell driveway as it is open to the public, and the public has access and rights to the Lovell Field driveway.

Mr. Fleming stated that they have drainage within building A that deals with the drainage for building A. They have discussed with the town the ability to obtain a license for the purposes of overflow drainage on the Lovell field area that is presently used for drainage. He noted that there is a depressed area of land behind the existing property lines that basically contains all the water flow that runs off the parking lot of Lovell Field. He continued that they would put in a system that will not only assist in the overflow drainage from their project, but will also benefit the town as it will help with other drainage flow. He stated that they are in discussions with Town Counsel about the appropriate license.

Mr. Luongo stated that this will solve a stormwater problem for the town on upper Jackson Square that stormwater needs to be treated before it goes into the Herring Run Pool, which the applicant has agreed to do.

Mr. Fleming stated that they have agreed to do this and there are significant improvements to the Herring Run because of this drainage design. He pointed out that all drainage currently runs uncontrolled off the Venetian parking lot and Commercial Street directly into the Herring Run; the proposed system will catch that runoff and treat it before it enters the Herring Run. These are the reasons the town is willing to discuss this type of arrangement with the owner because there is significant mitigation being provided.

Mr. Rafferty questioned the need for a license to have both their parking garages come out onto that driveway.

Mr. Fleming stated that they do not need a license to drive on the Lovell Field roadway. They do need a license to access their property from that roadway. He noted that the ordinance was written so that driveway access to garages should not be from Commercial or Broad Streets in order to eliminate curb cuts. Therefore, in order to comply with the ordinance, they designed the project to use the existing driveway curb cut access to Lovell Field. He continued that they are discussing with the town an agreement for the utilization of the land for access.

Mr. Luongo stated that if the board approves this project, this will be one of the conditions.

Owen MacDonald, town traffic engineer, stated that given that there were previous traffic counts from a year of somewhat higher enrollment than what is current, they use it as a base for it along with estimations from ITE. He added that the methodology Mr. Scully used is acceptable for providing the kind of data that can be used for this type of evaluation.

Mike Healy, 1419 Pleasant Street, stated that he is a direct abutter to building D which has not had much controversy about it. He asked for specific details as far as how it is going to affect his property. He expressed concern about there being a retaining wall and questioned if the foundation of the building is going to be the retaining wall.

Mr. Riggs stated that the proposed building will act as the retaining wall.

Mr. Healy stated that he does not know how this is going to work without affecting his property. He noted that in the rendering there are trees covering the building. He stated that the big oak tree is not going to be there anymore; most of the other trees are on their property and there will be no trees. He continued that when his backyard ends, it drops down. He has a two foot granite retaining wall, and it drops all the way down almost to grade at the back of their building.

Mr. Riggs clarified that the images of the trees shown are physically modelled in. He added that the trees are outside of the boundary of building D.

Mr. Healy stated that he was not sure that the trees were on his property. He added that he would like to know what his backyard is going to look like where it meets the back of their property.

Mr. Denizkurt asked the applicant to get this information for the next meeting.

Ms. Chin asked the applicant to clarify the heights of all the retaining walls for the project.

Mr. Luongo recommended that the developer get in contact with the property owner to come up with a plan that's acceptable to the property owner. This can then be memorialized the special conditions that are put on the project.

Raymond Bean stated that he is representing the East Weymouth Congregational Church. He continued that in 1984, he made an agreement with Russell Peck to redesign his back parking lot next to the church to give the church four parking spaces there. Mr. Peck granted the church access forever; it was a handshake, and he does not have anything in writing. He added that it was witnessed by Russell Peck's office manager.

Mr. Bean stated that the main reason they did this was because part of the income for the church is leased space for a daycare. The school has special needs children and that was the access to the daycare as the church does not have an elevator. He continued that if there are deals with the town, they should have fire access coming up the left side of that building as access is only from the main road. He added that on the other side, it could be access for the fire trucks and service the back of the church. A sign noting church use only or fire access could be placed. Also, they said they have one extra parking space, so he suggested that they leave that space open, where they have all the trees planted and allow access to the back of the church through the parking lot.

Mr. Denizkurt stated that the fire department has looked at the application and have not expressed any concerns to this board.

Mr. Denizkurt stated that one of the items that he had asked about was a specific build out plan that would show that parking would always be maintained as these four buildings are built out.

Mr. Papachristos stated that he does not have one yet. He continued that they have drawn out the parking spots for building A when building B gets built. He stated that they know how many spots they have to put; this will be a part of the conditions that there is will always be parking on these four properties

Mr. Denizkurt stated that he wanted to make sure it is adequate or else there will be problems during construction.

Mr. Fleming stated that they would agree to a condition as Mr. Papachristos stated, in any decision that this body renders, that there will be a phasing plan.

Mr. Denizkurt asked the town if water, sewer, stormwater management, fire, and police had all been looked at and satisfactorily reviewed without concern.

Mr. Luongo stated that the only thing they need from the developer is for them to submit a water usage plan.

Mr. Schneider stated that this project went through a peer review of the stormwater management. One round has already been completed and there will be a second round; there are a few questions and comments left that are more specific to the conservation approval, which is still an open hearing. In talking to the conservation administrator, DPW, and the town engineer, those issues will be resolved through the conservation process.

Mr. Denizkurt asked if, from the town standpoint, do they anticipate any additional information being required from the applicant.

Mr. Luongo stated that the applicant is working with the town solicitor on the license agreement for use of public land as an entrance into their parking lot. This would be one of the conditions that they need to resolve, or they cannot build the building; the project cannot go forward without access to the parking garage. There are no other open issues.

Mr. Diem asked about Rice Tavern and if there was any update on its historic nature.

Mr. Fleming stated that they are continuing conversations on Rice Tavern. He noted that the Historic Commission delayed the issuance of any permits on that matter for a period of six months. He added that they are having continued conversations with folks in the neighborhood and the community contractors to discuss the possibility of either relocating that facility or documenting its history.

Mr. Luongo stated that the mayor has been personally involved in this and he has talked to several developers about the possibility of moving and reusing the building.

Ms. Snow-Eikelberg made a motion to close the public hearing on **Case #3511, 3512, 3513, & 3514** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Ms. Snow-Eikelberg made a motion to **TAKE UNDER ADVISEMENT Case #3511, 3512, 3513, & 3514** until December 13, 2023, which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Members Present: Kemal Denizkurt, Chairperson
Brandon Diem, Clerk
Carsten Snow-Eikelberg
Nicole Chin
Jon Lynch
Also Present: Robert Luongo, Director of Planning
Eric Schneider, Principal Planner
Monica Kennedy, Assistant Planner
Recording Secretary: Janet P. Murray

New Business:

Case #3518 - The petitioner, Viking Development LLC, for property located at **739 Pleasant Street**, also shown on Weymouth Town Atlas sheet 35, block 446, lot 3, located in the R-1 District. The petitioner is seeking to:

Variance 120-74 M (2) Minimum Required Spaces Day-Care Centers

The subject property is a 106,554 sf parcel of land with a single-family residence and a frame shed used for landscaping business. The applicant seeks to construct a 16,200 sf daycare center including a parking lot for 55 cars, a fenced-in playground, trash enclosure, lighting, landscaping, and stormwater management basins.

Ms. Snow-Eikelberg made a motion to open the public hearing on **Case #3518** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Ms. Snow-Eikelberg made a motion to waive the reading of the public notice which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Chris Fasenden stated that he is the representative for the Gardner School which is a daycare provider with an address of 438 Hill Avenue, Glen Ellyn, IL.

Andrew Platt stated that he is from Bohler Engineering, 352 Turnpike Road, Southborough, MA.

Daniel LaCivita, traffic engineer with Vanessa and Associates 35 New England Business Center Drive, Andover, MA.

Mr. Fasenden stated that the Gardner School is a national premium daycare provider. They serve children from six weeks to five years old. All of their teachers have four year degrees, are certified, and have met all appropriate state requirements.

Mr. Fasenden stated that Nick Sager from NORR Architecture is also present.

Mr. Platt reviewed the site design. He stated that the plan is for a 16,000 square foot one-story building. He pointed out on the screen the location of the fenced-in playground and noted that the fence is continuous around the building and

playground. He then pointed out the parking areas to the south as well as noting the two stormwater infiltration basins, one to the southwest corner, and one to the southeast corner; both contain through the 25 year storm with no outflow. There will be reductions in peak flows and volumes, which should alleviate off-site flooding issues. The drainage design has been reviewed by the town.

Mr. Platt stated that the landscaping has actually been enhanced since the time of this rendering. They are adding more landscaping along the street next to the playground off to the west to screen it from the street. Landscaping has been enhanced with more plantings for the abutter to the south.

Mr. Platt noted that the driveway is situated further north than noted on this rendering and the geometry of the street has been revised to better line up with Mutton Lane.

Mr. Platt stated the site will be lit to standard levels with shielding on the lights to the south so there is no spillover across property lines.

Mr. Platt stated that they do have comments from Conservation Commission and from engineering which have been addressed.

Mr. LaCivita gave an overview of the traffic study which was prepared in consultation with the town and the Department of Transportation (DOT). In general, the project will not result in a significant impact or increase on motorists' delays or vehicle queuing at the study area.

Mr. Denizkurt asked if there is a cut sheet that shows the proposed left turn lanes on Pleasant Street.

Mr. LaCivita stated that they are actively working on this and should have something available in the next couple of days.

Mr. Denizkurt asked if there would be a left turn lane to go on to Mutton Lane and a left turn lane to get onto the property.

Mr. LaCivita responded that this is correct.

Mr. Denizkurt questioned parking and how the required parking and proposed numbers were determined.

Mr. Fasenden stated that with the submittal package, there should have been included a parking study that was done for a similar site located in Illinois. Specs wise, it is the same size building with similar student and staff count. That study indicated that there is a utilization rate of 31 spaces which is 1.87 spaces per 1000 square feet. The town's calculation is 81 spaces; they are asking for and providing in the site plan is 55 spaces. Going along with those numbers, tying into the traffic

study, he stated that in a peak hour, there were about 60 trips, which can be cut in half to 31 vehicles in any hour.

Mr. LaCivita stated that there are 73 total vehicles entering over the course of the whole hour with 64 leaving, that is some overlap of some existing on the site that have to leave as well as some that would come in at the tail end that would enter but not exit.

Mr. Fasenden stated that 55 spaces is what fits and is the prototypical target number that they provide for their schools. He added that they do not necessarily need that many but there are instances where there are holiday events and things of that nature where something beyond our minimum of 31 spaces is required. He noted that even though there are 195 Students and 32 staff, they use a lot of public transit, carpooling, some parents have multiple children, and not everyone goes five days a week. There are different variables that play into the number of children present.

Mr. Fasenden stated that there will be 32 staff members on site based on state requirements and ratios of kids to staff members.

Mr. Lynch asked about how long it would take for the average parent to either drop off or pick up their child.

Mr. Fasenden stated that this study evaluated them on 15 minute intervals. He noted that over an entire day they evaluated at 15 minute intervals; at any one time 31 was the most was spaces filled.

Mr. Denizkurt noted that there are three handicap spaces depicted on the plan which leaves 20 spots to accommodate everybody who is coming onto your site to drop off a child or children.

Mr. Fasenden stated that not all staff are on at the exact same time. It would be in a similar shift manner and there are staggered drop off times as there is no set drop off time. They are open from 7am to 6pm. He noted that the trends show that drop off was between 7:00 a.m. and 9:30 a.m. and pickup was between 3:30 p.m. and 6:00 p.m. He added that there is no loading as each parent is required to come in, punch in a code, and walk their child in and out.

Ms. Chin asked if there had been a queue forming on site when the parents are starting to come in, park their car, and then enter the building to drop off the kids.

Mr. Fasenden stated that queueing would be a bit of site specific based on traffic and trip generation patterns. On most of their sites, they do typically account for stacking in some nature. It looks like they probably have the space for two to three vehicles exiting and entering. But we don't usually have any issues operationally within the parking lot in terms of queuing or traffic.

Ms. Snow-Eikelberg asked if the left turn lanes are envisioned as one of the left turn lanes that is either direction where it's a single lane, or would it be two separate left turn lanes. She noted that a queue does happen down the road at the other daycare, and the Mutton Lane left turn has a queue.

Mr. LaCivita stated that there would be two separate left turn lanes, and the storage length is around 100 feet that can store four passenger cars.

Mr. MacDonald stated that the mayor had authorized some fairly significant changes to the intersection at Libby Parkway and Pleasant Street which seem to have considerably abated the backups in that vicinity except for a very occasional surge.

Mr. Denizkurt asked whether the traffic recommendations will be adopted or not. He specifically questioned the site triangle.

Mr. LaCivita noted that on page 29, there are the sight distance measurements, and the sight triangle is essentially made from those measurements. They need a minimum of 305 feet and the shortest measured was 358 feet which is 53 feet in excess of the minimum. No landscaping or signage will be placed in those sight triangle areas.

Mr. Denizkurt asked about the monument sign and sightlines.

Mr. LaCivita stated that sight distances are measured from 14 and a half feet back from the edge of the travel way. From the edge of the shoulder center, with the restriping of the two left turn lanes, they are proposing five foot shoulders. He also stated that he will confirm that the monument sign is not within that triangle

Mr. Denizkurt stated that this is an R-1 zone but this proposed use is allowed under Mass General Law 40 A Section 3, which specifically addresses daycare.

Mr. Schneider stated that it says that the town cannot require a special permit for the use, but the board can consider things like they are considering right now with public safety and need to provide reasonable parking. He continued that in terms of parking, the building inspector did review the comparable site and felt that it was a legitimate comparison. However, he does not have the latitude to administratively approve the parking; it still requires a variance from the Board.

Mr. Schneider stated there are some wetlands on the property. The applicant is going through Conservation. And as such, they have been encouraged not to overdo the parking because the town wanted to provide and preserve as much buffer to the abutting properties as possible.

Mr. Schneider asked the applicant to show the renderings of the buildings.

Nicolas Segar with NORR Architects reviewed the design plan. He stated that they are going for a somewhat residential aesthetic. They will use various types of Hardy board siding, vertical board, batten horizontal lap siding, and shingle siding as well as a wainscot which has some culture stone veneer. He noted that they have added a little bit more stone to a couple of the elevations. The building is topped off with a mansard-style roof with a standing seam material and will be a single story.

Mr. Denizkurt noted that the applicant is requesting a variance on parking. A variance, under a zoning law, requires a hardship; the hardship has to be related to circumstances relating to the soil conditions, shape, and/or topography of the land. He asked the applicant to speak about the nature of the property, the irregular shape, or any changes in elevation.

Mr. Fasenden pointed out that there are some vertical elevation changes between Pleasant and the finished floor elevation. The existing site is relatively wooded with two regulated wetland areas and buffer zones that impact what can be done. He pointed out on the screen where the buffers cross onto the property. This project requires Conservation Commission approval. He continued that site grading and wetland buffer work to minimize impact has created a constraint on the available parking area as well as the building and playground space.

Ms. Snow-Eikelberg questioned the size of the building and the enrollment. The proposed use requires 88 spaces. She questioned if they could do a smaller building that would then align with the 55 spaces. She asked if there a rationale for the size and enrollment capacity that you arrived at.

Mr. Fasenden stated that if they were to look at reducing to a smaller school with a smaller enrollment, they would still be over parked which creates additional runoff, and stormwater treatment for areas of imperviousness that are unnecessary because they are not going to be used. He added that this is their prototype for what is being built in Massachusetts.

Mr. Denizkurt noted that the property shape looks pretty irregular and based on the cut sheets there are elevations on the property as high as 109 feet where the building is located and 90 feet near the area to the rear.

Mr. Platt stated that there is a slight hill to the north part of the property, that'll be cut down by up to six to seven feet. But it does trail down towards the north.

Mr. Diem asked for more information on the staggered drop off and pickup and if there is a contingency plan for overflow.

Mr. LaCivita stated that events like graduation where everyone attends would take place off-site. For events at the school like Halloween or Christmas, they have considered situations where they would bus individuals in from an off-site location based on feedback or RSVPs on attendance.

Mr. Luongo stated that they did have a community meeting. He noted that on the west side of the property where it abuts the residential house, the landscaping has been increased as there was a concern by a neighbor.

Mr. Platt stated that is accurate and that there is going to be a six foot decorative metal fence.

Mr. Luongo noted that landscaping has been added around the play area and the rooftop will be screened. He noted that they need a more detailed traffic plan.

Mr. LaCivita stated that they will provide the traffic plan.

Mr. Schneider stated that the fire department has fully reviewed the plan and they have no comments or concerns. Engineering has reviewed it; their concerns have been met. Other than the traffic questions, everything has been covered.

Mr. Luongo stated that there need to be no parking signs posted.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was the following response.

Russell Landrigan, 703 Pleasant Street, stated that he is glad to hear about the left hand turn lanes and the no parking. He stated that his other concerns are signage and lighting.

Mr. Denizkurt noted that they currently have the sign depicted to the right side of the entryway if you were exiting their property.

Mr. Landrigan stated that he does not like the idea of a large sign. He expressed concern about the lighting on the property. He questioned if the lighting would be directed away from the residential areas.

Mr. Luongo stated that they submitted a lighting standard; it will be LED lighting and controlled so that there are no spotlights on the building that will shine out; they will shine down.

Mr. Schneider questioned how the lights are handled overnight.

Mr. Fasenden stated that the building will remain lit. He stated that he will need to get back to the Board about the parking lot lighting.

Mr. Diem noted there is gooseneck barn-style lighting going around the entire perimeter of the building. He asked if they are illuminating entry points in and out.

Mr. Fasenden stated that these are decorative; they are not shooting light out outside of the building. Some may be used for emergency egress lighting, but it is not necessarily used to light up entries as entry is through the main door.

Jared Greenblatt, 720 Pleasant Street, stated that he is concerned about where the driveway is as he feels that it is creating a four way intersection where people could potentially go straight across from Mutton Lane into the school.

Mr. MacDonald stated that that there would be no prohibition in driving straight through from Mutton Lane into the school or from the school to Mutton Lane. Obviously, one would have to stop and look before they did it.

Mr. Greenblatt asked about the location of the no parking signs.

Mr. Luongo stated that they would not want to put it in front of residential houses because there is parking further along Pleasant Street. He added that the signs would likely be near the driveway to the facility.

Mr. MacDonald stated that it would be dependent on where the striping for the left turn lane is and the widening.

Mr. Greenblatt expressed concerns about school parents parking in front of his house.

Mr. Denizkurt stated that a condition could be that they tell their customers that there is absolutely no parking on Pleasant Street.

Mr. Greenblatt asked what would happen if the school closed.

Mr. Schneider stated that this is not changing zoning, it remains R-1.

Mr. Luongo added that there could be another exempt use such as commercial agriculture, aquaculture, horticulture, or greenhouses. It could also be an educational use or a church.

Chris Boyle, 734 Pleasant Street, asked if there will be elaboration at the next meeting on the left turn traffic flow in and out of the location.

Mr. Schneider stated that this information will be presented at the next meeting.

Gregory Galvin stated that he owns an office condo at 775 Pleasant Street which is next to the driveway going north on Pleasant Street. He stated that he is concerned about traffic. He noted that cars waiting to turn onto Mutton Lane will block the driveways.

Mr. Galvin stated that when the office park at 775 Pleasant Street was built one of the conditions was that tractor trailers were to park on Pleasant Street to make their deliveries into the office park.

Mr. Denizkurt stated that he does not recall seeing a delivery truck parked on the street. He noted that deliveries do not have to be made in a big truck.

Mr. Galvin stated that he is one of 17 owners and is a trustee. He noted that they cannot tell owners to tell their delivery people not to use tractor trailers.

Mr. Galvin asked if the applicant has any other buildings in Massachusetts.

Mr. Fasenden stated that they are breaking ground in the next two months in Dedham and Braintree and a couple more are in permits and entitlement process. These buildings will be almost the exact same building.

Mr. Galvin asked if the hill is going to be excavated out. He noted that he is concerned about surface water runoff now that there's going to be that impervious area.

Mr. Platt stated that the building will have a series of roof drains which will go to the front of the site to the infiltration basins.

Mr. Platt stated that the ground cover is going to be similar to what it is now; there will be lawn area to the north; it is not going to be impervious.

He stated that they have done calculations showing that there is actually going to be a reduction in all directions off the site; they are actually decreasing the runoff from the site.

Mr. Galvin questioned the sidewalk going around the building. He added that they are an office park trying to conduct business.

Mr. Denizkurt questioned the need for a sidewalk around the perimeter of the building.

Mr. Platt stated that the sidewalk is actually fenced in and is mostly for emergency access. He added that it is narrow at about six feet wide. It is restricted to the perimeter of the building, and it does not extend very far.

Mr. Fasenden stated that the primary purpose is for a second means of egress. He noted that the circulation to the playground will happen internally. There is actually an internal playground structure as well for winter conditions and that is the access point to the playground.

Mr. Galvin stated that he would like to see a plan that shows fencing details.

Mr. Platt stated that it will be a six foot high metal picket fence, probably black or bronze color.


The Board discussed with the applicant further information regarding traffic that is needed prior to the next meeting. The applicant agreed to provide the information.

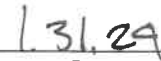
Ms. Snow-Eikelberg made a motion to continue the public hearing on **Case #3518** until December 13, 2023, which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Other Business

1. Minutes: NONE
2. Upcoming Meetings: December 13, 2023
3. ADJOURNMENT

Ms. Snow-Eikelberg made a motion to adjourn at 10:10 p.m. and was seconded by Ms. Chin. VOTED UNANIMOUSLY.

Approved by: 
Mr. Diem, Clerk


Date