



Joseph. C. Sullivan
Mayor

Department of Planning & Community Development Zoning Board of Appeals

1 JFK Memorial Drive
Braintree, MA
www.braintreeema.gov

APPROVED

Zoning Board of Appeal Petitions – May 15, 2017 Special Meeting – Cahill Auditorium

Present:

Attorney Stephen Karll, Chair
Mr. Michael Calder, Member
Mr. Michael Ford, Member
Mr. Richard McDonough, Alternate Member

Attorney Barbara St. Andre, KP Law
Christine Stickney, Director
Melissa SantucciRozzi, Assistant Director
Jeremy Rosenberger, Zoning Administrator

Chairman Stephen Karll began the meeting at 7:01 PM. He explains that this is the Continued Hearing on the Holland Project; there are two continued Petitions for tonight's meeting.

CONTINUED PUBLIC HEARINGS

40B) 2017-01

383 Washington Street – Parkside Apartments
383 Washington Street LLC

(40B) 2017-02

383 Washington Street – Parkside Condominiums
383 Washington Street LLC

Chairman Karll asks if there is a Motion.

Member Ford **MOTION** to move that the Board vote to appeal the Department of Housing and Community Development's "Decision on Grounds for Denial of Comprehensive Permit Applications – 383 Washington Street/Parkside Apartments and Parkside Condominiums", dated May 4, 2017, and to request through the Mayor's office to take all steps to carry out an appeal to the Housing Appeals Committee; seconded Member Calder; unanimously voted 3:0:0.

Chairman Karll explains for the Petitioners and the public that the Zoning Board is going to appeal the decision by the DHCD on the determination that they felt that the town did not meet the "Safe Harbor".

Before getting to the Petitioners, Chairman Karll introduces staff, Zoning Board Members and Attorney Barbara St. Andre. Further, Chairman Karll recognizes the Mayor's Chief of Staff, Joe Reynolds, who is here representing Mayor Sullivan who has to attend the Braintree School Committee Meeting tonight at Braintree High School. The meeting is then opened to Petitioners.

Attorney Peter Freeman of Freeman Law Group LLC is here to represent the Applicant. He states, given the Zoning Board's vote, the Petitioner does not see any reason in presenting anything tonight because, although officially the hearing is stayed under the regulations when the Appeal is filed, effectively you have voted to appeal, so the 180 days basically is told. They think the information will be lost if they are back here on the merits, which they hope to be at whatever time the HAC Safe Harbor proceeding is concluded. We want to start fresh, at that point, because we don't think members of the public or the Board will necessarily remember the presentation tonight. Again, the Petitioner and Attorney Freeman understand the Zoning Board's vote. Chairman Karll thanks Attorney Freeman and states he was hopeful that would be the route taken because if the Petitioner made a presentation tonight it may be stale in the Board's minds whenever the decision is made.

Chairman Karll opens discussion to the public. He explains that we have decided to appeal to a higher authority at the state level to see if they agree with the Town's calculations. Mr. Freeman, representing the Petitioners, has decided that instead of going forward tonight, they will wait until a decision is made one way or the other. If the decision is not in the Town's favor, the hearing process will continue in full force. If the decision is in the Town's favor, that leaves the decision up to the Petitioners, as to whether or not they want to go further in the appeal process. There are no questions or comments from the public.

Assistant Director of Planning & Community Development, Melissa SantucciRozzi states that, if the Board is going to continue the Public Hearing, the staff recommends September 18 as a continuance date. Chairman Karll asks Attorney Freeman how that sounds. Attorney Freeman states it is probably okay, but they don't really need to schedule a date because we don't know when the proceedings will be finished. It depends on what the HAC orders; that will dictate whether there is a hearing to be held within thirty (30) days of that determination. Attorney Freeman thinks it is easier to just continue generally. Attorney Freeman understands that there will be a need for new advertising if it goes back to a public hearing, at the cost of the Applicant. Mrs. SantucciRozzi defaults to Attorney Barbara St. Andre, but her recommendation would be to continue it to a date, and at that point, we may need an update or something of that nature, but we won't have to re-advertise.

Attorney St. Andre, KP Law, explains the reason they were going to suggest a date was to avoid having to re-advertise. However, if the Petitioner states that they willing to pay the cost for re-advertising, then that is taken out of the equation. We picked September because it seemed like it would take some time to work through the HAC. So, you could continue it to September 18, and we could see where we are at that point. If we haven't gotten through HAC by then, we could continue it again, or we could just continue it generally. Chairman Karll's preference, as long as the costs for re-advertising are acceptable to the Petitioner, is to continue it generally. Chairman Karll confirms that Attorney Freeman agrees, which he does.

Member Calder **MOTION** to adjourn the meeting, pending decision from the Housing Appeals Committee; seconded by Member Ford; unanimously voted 3:0:0.

Chairman Karll mentions that we have our regularly scheduled Zoning Board Meeting next week upstairs in Johnson Chambers. The Meeting adjourned at 7:20 PM.

Respectfully submitted,
Louise Quinlan, Planning/Community Development