# Department of Planning and Community Development

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**PLANNING BOARD**

**Robert Harnais, Chair**
**Joseph Reynolds, Vice Chair**
**James Eng, Clerk**
**Darryl Mikami, Member**
**Melissa B. McDonald, Member**

**Joseph C. Sullivan**
**Mayor**


Braintree Planning Board
November 12, 2013
Town Hall – Johnson Chambers

APPROVED

Present:
Mr. Robert Harnais, Chair
Mr. Joseph Reynolds, Vice Chair
Mr. Darryl Mikami, Member
Ms. Melissa McDonald, Member
Mr. James Eng, Clerk

Christine Stickney, Director
Melissa SantucciRozzi, Principal Planner

Mr. Harnais called the meeting to order and took roll call at 7:06 pm.

**Zoning Board of Appeal Petitions – November**

**ZBA (13-43)**
**6 Sunset Road / Francesco and Karen Montillo**
Mr. Montillo addressed the Board saying he built a free standing garage that turned out to be four feet, four inches (4' 4") from the side yard property line and the requirement is five feet (5'), after it was completed. He is seeking relief from the Bylaw explaining it was a calculation error, not intentional.

Ms. McDonald asked how the overage was discovered.

Mr. Montillo said he had a discussion with the neighbor who stored some belongings against the fence on the other side of the Applicant's property. The neighbor agreed to clear his belongings and Mr. Montillo then removed the deteriorated property line fence and installed a new fence. He said that is when he learned of the miscalculation.

Mr. Mikami asked what the second floor on the garage will be used for. Mr. Montillo explained he and his wife moved from a larger home that adequately stored his architectural drawings. When they moved to this property, they lost room and wanted to create storage above the garage.

Mr. Mikami reminded them that they cannot convert the space into living area. Mr. Montillo understood.

Mr. Eng reviewed the plans and said it was the nicest garage in all of Braintree.

Mr. Reynolds asked Mr. Montillo when the building permit was granted. Mr. Montillo said at the end of September 2012.

Mr. Reynolds asked if the Building Department inspected the property prior to the building construction. Mr. Montillo said the Building Department came at the time of excavation, a second time when the foundation was formed and then they began building. He said there was no issue raised by the Building Department about the setback.

Mr. Reynolds then asked Mr. Montillo when the survey was done. Mr. Montillo said it was surveyed before construction began and it was submitted to the Building Department with the building permit plans. Mr. Reynolds asked if, at this point, the setback was noted by the Building Department. Mr. Montillo answered "no".

Mr. Reynolds said since this is just four feet and 4 inches (4' 4"), he is in agreement to recommend approval to the Zoning Board conditioned on limiting use above the garage to storage.

Mr. Harnais reminded Mr. Montillo that it has to be exclusively storage and then he called for a Motion.

Mr. Eng made a Motion for favorable recommendation on the condition that the garage is used only for storage; seconded by Mr. Mikami.
**Vote: 5:0:0**

**ZBA (13-44)**
**38 Myrtle Street / Matthew McIntyre, Christine McIntyre, Joseph Murphy, Jane Murphy, Tony Monaco, Melissa Monaco and Cynthis Manganello, John Mento**
Matthew McIntyre addressed the Board. He and his wife are abutters to the subject property and he presented a summary on behalf of the petitioners. Mr. McIntyre said that the lot is non-conforming and therefore the building permit should not have been issued; it should be revoked. He noted Zoning Bylaw Section 302 that states that no building shall be erected on any lot except in conformity with the zoning Bylaws.

The subject lot is 6,600 SF (below the 15,000 SF required by the Bylaw); additionally the lot is 50 FT wide, half of the 100 FT width required. He continued to say that since there was no a variance issued, the property should be returned to its original unimproved state.

Mr. McIntyre explained that in 1986 a Variance was granted to subdivide the subject property. The prior owner (Marie Anderson) petitioned to subdivide their lot and build a small house for her and her Husband. At that time, there was no opposition, the Zoning Board granted the Appeal and it was recorded in 1987. The Andersons did not obtain a Building Permit for the house they intended to build. In 1994 they conveyed 38 Myrtle to their daughters who did nothing with the lot for 20 years. The Anderson daughters this year (2013) advertised the lot stating that the lot was being sold "as is" and it was the buyers responsibility to perform due diligence to obtain all permits to build. He said it further stated that the sellers were willing to wait for buyer to obtain all approvals before closing. Mr. McIntyre said the sellers stated they were not making any representations or warranties.

Mr. McIntyre reasoned that the Andersons' Variance had lapsed because it was not exercised by subdivision or conveyance within one year. He presented Case Law (Cornell v. Dracut)(SJC, 2003) that he believed was relevant to define the legal interpretation of "exercise".

Mr. McIntyre contended that since the variance issued in 1986 was not exercised, the Building Permit (B13-735) was also unlawful and should be revoked.

Ms. McDonald asked if the Andersons were present, they were and came forward. Lisa Birch introduced herself as attorney for John Mento, the owner and builder of the property. Ms. McDonald said Mr. McIntyre made a good argument and she suggested, for everyone's interest, the Applicant seek a new variance rather than pursue the 1986 variance. Mr. Mento said that he attempted to work with the neighbors, changing his building plans after he already began construction.
Mr. Mikami asked Mr. McIntyre why the abutters didn't file an Appeal within 30 days when they saw the building permit posted on the property. Mr. McIntyre argued that the law provides for appeal of lawfully issued permits; this building permit, he contended, was unlawfully issued.

Mr. Mikami explained that from the Planning Boards' perspective, an Appeal was not filed within 30 days.

There was some exchange back and forth between Mr. McIntyre and Chair Harnais who concluded that this issue is beyond a local remedy. Chair Harnais explained, regardless of the Zoning Board vote, the other party will likely bring it to Court. Further, he said it will be costly for all parties.

Mr. Eng agreed with the Chairman, saying he will leave it up to the lawyers. He agreed that there is a history of wrong things done.

Mr. Reynolds clarified the building permit was not lawfully issued. He said the panel is a recommendation board, he said he is not as legally qualified as some other Board Members and will not have a bearing on the issue.

Mr. Harnais said there are serious questions as to why an Appeal wasn't filed in time; all appeals have to be timely. Further, he said all decisions and recommendations by the Planning and Zoning Boards can be appealed in court and he impressed that the parties likely will pursue a remedy in court.

Mr. Harnais called for a Motion for no action.

Ms. McDonald made a Motion for no action to the Zoning Board; seconded by Mr. Eng.
**Vote: 5:0:0**

**ZBA (13-45)**
**<u>209 Washington Street / Theresa Lento and Neil Shay</u>**
Mr. Shay (contractor for Ms. Lento) addressed the Board explaining the house is a slab foundation and he wanted to add a shed for storage. After he began, he was stopped by the building inspector.

Mr. Shay said he had the property surveyed prior to building the shed. He found later that he was Three Feet, Four inches (3' 4") off on one property line. He said he should have pulled a permit so he would not have the problem of moving the shed now. Mr. Shay presented photos to the Board.

Ms. Lento explained how the lot became its odd shape; when the state highway construction came through. At that time, the state took land by eminent domain and then ended up selling back the small piece of property back to the Applicant.

Ms. McDonald said he should have known about the lot line, Mr. Shay agreed. She asked if the Applicants read the staff report, they said yes.

Mr. Mikami sympathized with situation but if the property is ever sold, it will be a future problem.

Mr. Eng questioned if the shed had to be moved closer to the house, would more footings will be needed.
Mr. Shay said it would be very difficult but not impossible to move the shed.
Mr. Eng asked what is beside the property. The Applicant said an open lot that their neighbor purchased back from the state. They inquired with the neighbor said the shed is okay with them.

Mr. Reynolds and Ms. Stickney suggested they combine the lots, thereby, eliminating the lot line which will minimize the variance needed on one side. Mr. Reynolds suggested, under their circumstances, they have a hardship and they could pursue it administratively with the Planning Department.

Mr. Harnais asked why the Applicant hasn't merged the two lots. Ms. Lento was told by the Town that she couldn't.

Ms. Stickney said this is a unique situation because of the state construction and the shape of the lot is a true hardship, eligible for relief under a variance.

Mr. Harnais called for a Motion for recommendation.

Mr. Reynolds made a Motion for favorable recommendation based on a hardship; seconded by Mr. Eng.
**Vote: 5:0:0**

**ZBA (13-46)**
**126 Celia Road / Don Nguyen a/k/a Dung Ngoc Nguyen**
Mr. Nguyen addressed the board and explained that he is seeking relief from the Bylaw to build a 24 FT x 24 FT two-car garage to the east side of the dwelling.

He said the Application was submitted on a 10 FT side setback for an attached garage. He learned the day of this meeting that the setbacks are different than he thought. He consulted with the Planning Department just prior to the meeting and found there are other issues to consider. Ms. Stickney explained that the Applicant is subject to the one hundred foot (100') buffer to open space conservancy since it abuts school property.

Ms. McDonald asked if a discrepancy of the lot lines has been resolved. Ms. Stickney confirmed that the surveyors' Plan is correct as to the lot area; the Assessors' is incorrect. Being an abutter to the South Middle School back field, the Applicant will have to also apply for a Special Permit for a 30FT waiver to build within the buffer zone under Zoning Bylaw 702.

Mr. Harnais asked why the Applicant doesn't just apply for both together. The Applicant's property requires a variance for a 10 FT side setback and a Special Permit for the 30 FT buffer. Ms. Stickney explained that one is a variance; the other is a waiver only that the Planning Board can grant via a Special Permit.

Mr. Mikami suggested that the applicants to talk with the Planning department to better understand their options before expending time and cost.

Mr. Eng suggested that the garage be located in the rear of the house and relocate the entry in another direction to reduce the size of the variance the applicant will need. Mr. Nguyen said that there is a patio located in that area that he would not disturb. Mr. Eng reiterated to think about alternatives before running into more expense.

Mr. Reynolds agreed with the Boards' comments and impressed that they should take some time to weigh all their options.

Mr. Harnais called for a Motion.

Mr. Reynolds made a Motion for favorable recommendation for the 10 FT setback variance (only); seconded by Mr. Eng.
**Vote: 4:1:0 (Mr. Mikami – unfavorable)**

**ZBA (13-47)**
**52-60 Pearl Street 0 Randall Ave and 30 Randall Ave / William Frazier, Trustee Sunset Realty Trust**
Attorney Frank Marinelli addressed the board on behalf of Mr. Frazier, Trustee of Sunset Realty Trust, 52-60 Pearl Street.

Mr. Marinelli explained the brief history of the subject property located at 52-60 Pearl Street. The intent is to improve the 8100 SF building. The project will consist of (16) 1-bedrooms units and (2) studio apartments. He said the project is in keeping with the South Braintree Square "Village Overlay" District. He described the project as useful for the community and convenient to transportation.

He continued saying the proposed project will have a positive impact and be a convenient walkable community. Numerous renderings of the building were presented. He said the building will have a maximum height of approximately 35 FT which is well within the maximum height requirement of 50 FT.

Mr. Marinelli presented written Neighborhood support. He said landscaping is currently 12% open space, the project proposes to double the open space and plantings. Parking will be located on Randall Avenue for 18 residences (23 parking spaces) more than is needed. There is additional parking of 11 spaces for residential parking at night (retail use during the day). Mr. Marinelli explained that the Applicant is seeking relief to redevelop the existing building and add 1 ½ stories.

Ms. McDonald commented that the project is a better use of space but questioned if enough parking is provided. Mr. Marinelli said in the Applicant's experience, there are a fair percentage of renters without a car and this location is within walking distance to the "T".

Mr. Mikami asked Staff to describe the intent of the "Village Overlay" as it applies to South Braintree Sq. and the issue of a Special Permit in the future.

Ms. SantucciRozzi explained how the "Village Overlay" applies in South Braintree Square and Braintree Square. It allows some flexibility in locating buildings closer to the street; on smaller lots; waives setbacks and it restricts single business use to 10,000 SF or less. It provides minimal guidance for parking.

Mr. Marinelli said that the building itself could not be developed without some kind of relief. The lot is a unique setting, with physical constraints.

Mr. Mikami said, after analysis, Staff agreed that the "Village Overlay" applies and this development is a good use for this lot. We look forward to the Special Permit. He then asked Mr. Marinelli about the physical changes of the building. Mr. Marinelli said the building will be extended and the project is not substantially more detrimental to the neighborhood.
Mr. Eng complimented the intent to locate housing close to the "T". He asked Mr. Frazier if there would be designated parking. Mr. Frazier said that hasn't been decided.

Mr. Eng said there is parking for 34 cars. It is a much better use of the property.

Mr. Reynolds commented that there is a good balance of open space and the utilized property is good for the community. Regarding the parking issue, he mentioned the abundant public transportation. He asked about the actual density.

Mr. Marinelli said that the Applicant originally proposed 20 units, he revised this to 18 units. The completed building will be just over 16,000 SF, not a massive structure and within the 50 FT height requirement. He reiterated the positive components of the project.

Mr. Harnais is concerned about the number of units but said he appreciates the financial investment for the improvement. With no further questions, he called for a Motion. Ms. SantucciRozzi then clarified that the Applicant is seeking density and parking relief with the Zoning Board.

Mr. Harnais called for a Motion for recommendation to the Zoning Board.

Mr. Reynolds made a Motion for a favorable recommendation on **135- 402 & 135-403**; seconded by Mr. Eng.
**Vote 5:0:0**

Mr. Eng made a Motion for a favorable recommendation on **135-806A and 135-805**; seconded by Mr. Reynolds.
**Vote 5:0:0**

Mr. Eng made a Motion for a favorable recommendation on **135-701**; seconded by Mr. Reynolds (lot width, general business); (front yard setback, general business); and (minimum lot area).
**Vote 5:0:0**

Mr. Reynolds made a Motion for a favorable recommendation on **135-705**; seconded by Ms. McDonald (open space per unit); (density/SF per unit); and (minimum frontage for multi-family).
**Vote 4:1:0**

**ZBA (13-48)**
**71 Arborway Drive / Sean Martin**
Steven DesRoche, Land Surveyor, Neponsett Valley Survey Associates, introduced the Applicant and explained that he wants to subdivide his current lot containing 11,440 SF into two lots and construct a new 50 FT x 27.7 FT single family house on the new lot.

Ms. McDonald was concerned about creating a second non-conforming lot. Mr. DesRoche said that the entire area are non-conforming lots of nearly the same size, therefore not a detriment to the Bylaw.

Mr. Mikami agrees with Ms. McDonald and asked Mr. Martin how many homes in that area are 2800 SF.
Mr. Martin said not many.
Mr. Mikami summed it up as a big house on an undersized lot that would intensify the non-conforming issue.

Mr. Martin said he could adjust the size; he has no house plan momentarily. Mr. DesRoche added that the design will be adjusted to the lot size setbacks.

Mr. Eng asked if the proposed house was for another family member. Mr. Martin said no, he will be moving into the new house and sell his old house. Mr. Eng asked what the hardship was. Mr. DesRoche said it's the shape of the lot; it's not a perfect rectangle. Mr. Martin said that approximately 10 years ago (prior to his ownership) the previous owner gifted the abutter a portion of the lot.

Mr. Reynolds agreed that dividing the property is creating two non-conforming lots that make both more non-conforming. Further, he asked the Applicant his intent on sizing the house. Mr. Martin said the size of the house would be consistent with the neighborhood, he intended to build a nice, ranch style house that would blend in.

Mr. Reynolds said that area has grown up from cottages and is familiar with the neighborhood.

Mr. Harnais cautioned about the size of the house. The house should be in balance with the other undersized lots in the area.

Mr. Harnais called for a Motion.

Ms. McDonald made a motion for an unfavorable recommendation; seconded by Mr. Mikami.
**Vote: 3:2:0**

**ZBA (13-49)**
**<u>747 Granite Street (Entire Granite Plaza is 695-787 Granite)/ Brian Kablik</u>**
Mr. Kablik stated he wanted to continue the Application.

Mr. Carl Johnson, attorney for the Applicant, explained that the Applicant is not ready to proceed. He will request that the Zoning Board table it also.

Mr. Harnais called for a Motion.

Mr. Reynolds made a Motion to continue the matter to December 10, 2013; seconded by Eng
**Vote: 5:0:0**

**ZBA (13-50)**
**<u>36 Frederick Road / David St. Germain for Ann Marie Redmond</u>**
Mr. St. Germain addressed the Board and explained that on the Applicant, Ann Marie Redmond, is seeking relief to construct a 16 FT x 18 FT three-season room on an existing deck. He presented a letter signed by all abutters, indicating they are in favor of the project.

Mr. Eng, Mr. Mikami, Mr. McDonald and Mr. Reynolds had no questions.

Mr. Harnais asked about the soil beneath the stone per Staff recommendation. Ms. Redmond provided a photo validating the soil under the pea stone, as suggested.

Mr. Reynolds explained to the Applicant the importance of why the pea stone area should not get covered with a hardscape.

Mr. Harnais called for a Motion.

Mr. Reynolds made a Motion for favorable recommendation conditioned that the stone stay as is; seconded by Ms. McDonald.
**Vote: 5:0:0**

**ZBA (13-51)**
**50 Hickory Road / Richard Gallagher, Jr. and Cathy Sloan-Gallagher**
Mr. Gallagher addressed the Board and briefly explained he is seeking a variance for a deck to complete a project that was started about 5 years ago. It is an undersized lot and the setbacks require a finding.

Ms. SantucciRozzi explained to the Board that the Applicant was before the Board in October; he requested the matter be continued to the November meeting and filed revised plans.

The Applicant explained he is seeking relief to construct a 17 FT x 12 FT deck to complete a prior renovation.

Mr. Harnais called for any questions, since there were no questions he called for a Motion.

Mr. Eng made a Motion for favorable recommendation; seconded by Ms. McDonald.
**Vote: 5:0:0**

**DesRoche**
**(13-06) (Public Hearing)**
**177-179 Commercial Street / James O'Leary, Trustee**
**Site Plan Review**
James O'Leary, Applicant; Trustee; Owner and Contractor
Carl Johnson, attorney for Applicant
Stephen DesRoche, RLS, Neponset Valley Survey Associates

Chair read the Public Notice.

Carl Johnson introduced the Applicant and Stephen DesRoache, Surveyor. He explained that the Applicant is seeking relief to demolish the building at 177-179 Commercial Street that was constructed in the 1800's. The Applicant has read and has no questions or changes to the Draft Conditions prepared by the Planning Department Staff.

Chairman Harnais invited public questions or comments; there were none.

Ms. McDonald had no questions.
Mr. Mikami asked about planned light poles. Mr. Johnson said they are shown on the site plan.
Ms. SantucciRozzi; Mr. Johnson and Mr. O'Leary clarified the location and type of light poles.
Mr. Mikami had no further questions.
Mr. Eng had no questions.
Mr. Reynolds commented on a quality project.
Mr. Harnais had no questions.

Mr. Harnais called for a Motion to approve the correspondence October 8, 2013 through Nov 12, 2013.
Mr. Eng made a Motion to approve the correspondence; seconded by Mr. Reynolds.
**Vote: 5:0:0**

The Chairman called for a Motion to close the Public Hearing
Mr. Reynolds made a Motion to close the Public Hearing; seconded by Mr. Mikami.
**Vote: 5:0:0**

Mr. Reynolds made a Motion to approve the project based on the stated Conditions; seconded by Mr. Mikami.
**Vote: 5:0:0**

**(13-07) (Public Hearing)**
**695-787 Granite Street / Core Fitness of Braintree, LLC**
**Special Permit/ Site Plan Review**
Brian Kablik, Manager of Core Fitness of Braintree, LLC
Bill Whelan, CEO of Core Fitness of Braintree, LLC
Mr. Carl Johnson, attorney for the Applicant

Chairman Harnais read the Public Notice.

Mr. Johnson addressed the board and introduced the Mr. Kablik and Mr. Whelan, both of Core Fitness of Braintree, LLC. He discussed some unresolved issues with Granite Plaza; specifically, an As-Built Plan was submitted but As-Built approval was not granted because some parking, striping and landscaping issues not in conformance with Conditions. He said the Staff recommended not moving forward until these issues are resolved with the Plaza owner.

Mr. Kablik presented a power-point summary of the Core Fitness franchise business. He explained what differentiated this business from the competition and the benefit to Braintree. He explained the reasons for picking Granite Plaza and the benefits of this location for the business. He explained the floor plan layout and the intent to open December 1st but said the process is taking longer than he planned.

Mr. Johnson stated to the Board that they can compel the landlord too comply with the Conditions for Special Permit files 89-13 and 90-2.

Mr. Harnais commented to Mr. Johnson that the Town shouldn't have to enforce everything, it should just happen. Mr. Johnson mentioned changes that should be addressed.

Robert St. John, attorney for FX Messina the Plaza owner, addressed the Board and mentioned updating the 20 year old striping to meet ADA requirements. He said they are committed to sit down with the Planning Department to discuss the issues.

Mr. Harnais commented that it is good that all the issues will be addressed at once. He asked for any public questions or comments, there were none.

Ms. McDonald had no questions.
Mr. Mikami agreed with the Chair and said he hoped it would get done.
Mr. Eng and Mr. Reynolds had no questions.

Mr. Harnais called for a Motion.

Mr. Reynolds made a Motion to continue the matter to December 10th at 8 pm; seconded by Mr. Mikami.
**Vote: 5:0:0**

**(13-04) (Public Hearing)**
**19A Commercial Street / FINIA II, LLC**
**(BWLD) Special Permit for Reduction of Parking (135-615) / Administrative Site Plan Review**
Jeffery Tocchio, Attorney for Applicant
Robert Hedlund, Applicant
Marko Piro Fani, FINIA Partner
Sean Hardy - Engineer

Mr. Tocchio addressed the Board and explained this is a continuation. He said he met with Ms. Stickney of the Planning Department and discussed the issues regarding parking and seating.

Mr. Harnais opened questions and comments to the public; there were none.

Ms. McDonald had no questions.

Mr. Mikami asked Mr. Tocchio, considering the change in ownership and residual issues, how does that factor into all of this.

Mr. Tocchio said he met with the developer and said the developer would like to meet with the Planning Board in the upcoming months. Applicant wants to proceed and get his permitting in place and continue to work with the building developer since he has an active lease.

Mr. Mikami acknowledged the value of the Applicant obtaining a Special Permit together with the Lease and asked if the restaurant will actually be built or is the intent simply to keep the permits.

Mr. Hedlund addressed Mr. Mikami saying that he can't answer his question; he does not have a signed Contract or a Proposal from the developer.

Mr. Mikami said the Board wants to see some action and wants the space to be utilized for redevelopment.

Mr. Tocchio said it is the Applicant's intent to open the restaurant, to go forward with the plans and obtain the permits for the restaurant to open.

Mr. Eng asked what the plan for the outdoor dining area will be if the permit is granted. Mr. Tocchio said that the new development will not enable the outdoor seating as previously planned. He said that it appears that the landscaping will be entirely changed. The changed landscaping may provide a nearby location along the river walkway but all that is speculation at this point. Mr. Tocchio noted they submitted correspondence removing their request for outdoor seating and the total number of seats will be 67.

Mr. Reynolds had no questions and commented that he is looking forward to the changes for the area.

Mr. Harnais had no questions or comments.

The Chair called for a Motion to accept the Correspondence into the record.
Mr. Reynolds made a Motion to enter the Correspondence dated October 9, 2013 through November 12, 2013 into the record; seconded by Mr. Eng.
**Vote: 4:0:0** (Mr. Harnais did not vote, he missed the original testimony of the first hearing)

Ms. Stickney addressed the Board suggesting that the original Conditions be adjusted accordingly in order to move forward with a vote. The affected Conditions relate to a new parking configuration and the elimination of outdoor seating.

The Chair called for a Motion to Close the Hearing.
Mr. Reynolds made a Motion to Close; seconded by Mr. Mikami.
**Vote: 4:0:0**

Mr. Reynolds made a Motion to approve the Site Plan Review based on changes to Conditions 21, 27, 28, 30, 37, 38 and others that Staff feels need to be revised; seconded by Mr. Eng.
**Vote: 4:0:0**

The Chair called for a Motion to approve the Special Permit for the parking waiver for seven (7) spaces.
Mr. Reynolds made a Motion to accept the parking; seconded by McDonald
**Vote: 4:0:0**

**Discussion and Action (Changes to Architectural Plans) / 20 Pond Street / MSMM, LLC (12-04)**
Ms. SantucciRozzi addressed the Board and explained that Mr. St. John representing FX Messina was present in response to a Staff request regarding changes that may have happened to the Plans for 20 Pond Street. Staff requested that those changes be presented to the Board so they are fully aware of what is happening at 20 Pond Street.

Mr. St. John said that the Plan Ms. SantucciRozzi referred to is the landscaping screening plan involving the arborvitaes screening in the rear parking area of the property. When they purchased the property they were required to maintain the arborvitaes. He further explained that the abutting property requested a stockade fence be installed for privacy. They are asking to modify the Site Plan to replace and maintain some of the decayed arborvitaes and to install the 6 FT stockade fence in lieu of others.

Mr. St. John said that Staff was concerned that the building was eight (8) inches lower. Mr. St. John explained that when reviewing the structure, they learned that none of the interior block was ever reinforced so the cornice detail still showed the ornamental element previously presented.

Mr. Harnais asked Mr. St. John to review the changes section by section. Beginning with the north elevation, Mr. St. John said the main difference is the proposed elevation; the architect was attempting to get as much wing on the cornice as possible.

Mr. St. John said on the South Elevation, they will use the same façade treatment as originally proposed and, as with the North side, the architect was trying for as much wing on the cornice as possible.
The Board determined that they would like more time to review and full readable plans. Mr. Harnais reminded the Board and Mr. St. John that the meeting recording time will end in approximately 3 minutes. With that, the matter was continued to December 10, 2013.

**Acceptance of Planning Board Meeting Dates January 2014 to June 2014**
Chair called for a motion to accept the 2014 Planning Board Meeting dates.
Mr. Reynolds made the Motion to accept; seconded by Mr. Eng.
**Vote: 5:0:0**

**Discussion and Authorization for Peer Review Consultant**
**Whites Hill Estates Definitive Subdivision Amendment, O.I.B. Corporation (04-02)**
Ms. SantucciRozzi stated that the Planning Staff is seeking authorization to hire a peer review consultant.

Mr. Harnais called for a Motion to authorize Staff to hire a peer review consultant.
Mr. Reynolds made the Motion to authorize hiring of a peer review consultant; seconded by Mr. Eng.
**Vote: 5:0:0**

**Approval of Minutes October 2013**
Chair called for a motion to approve.
Mr. Reynolds made a Motion to accept the Minutes of October, 2013; seconded by Mr. Mikami.
**Vote: 5:0:0**

**Staff Items - Informational**
Ms. SantucciRozzi stated that the other agenda items have been submitted to the staff.
1. **Annual Report / Jonathan's Landing / Pulte Homes of New England (04-09);**
2. **Holiday Traffic Plans at 250 Granite Street – South Shore Plaza (08-03)** and
3. **Grossman Drive – Market Place (94-04).**

She said the Board can review and contact Planning with any questions or concerns.

Mr. Harnais called for a Motion to adjourn the meeting.

Mr. Reynolds made the Motion to adjourn; seconded by Mr. Eng.
**Vote: 5:0:0**

The meeting adjourned at 10:59 P.M.

Respectfully Submitted by,
Elizabeth Schaffer