



## Department of Planning and Community Development

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Joseph C. Sullivan  
Mayor

### PLANNING BOARD

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

Braintree Planning Board  
August 13, 2013  
Town Hall – Johnson Chambers

**APPROVED**

Present:

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

Christine Stickney, Director  
Melissa SantucciRozzi, Principal Planner

Vice Chair Reynolds called the meeting to order and took roll call at 7 pm.  
Chairman Harnais was not present

### Zoning Board of Appeal Petitions – August

#### ZBA (13-25)

#### 30 Forbes Road / Legal Sea Foods

Attorney Frank Marinelli, represented Legal Sea Foods  
Roger Burkowicz, President and CEO, Legal Sea Foods  
Rick Heller, VP and General Council, Legal Sea Foods  
Ed Mitchell - Design and Construction  
Stuart Pitchett – Sign Designer

Mr. Marinelli addressed the Board and introduced the Legal Sea Foods President and Staff. He explained the intent of the Legal Sea Foods Braintree location is to be attractive and unique. He said the challenge is visibility and referred to photos provided. He also reviewed the redevelopment of the South Shore Place and that Legal Sea Foods is the anchor tenant at this location with the most expansive space.

Mr. Marinelli explained the traffic pattern necessitating three signs for prime exposure on the easterly side to Granite Street. He said the goal in the traffic direction is to get people to take the first driveway entrance after turning off Granite Street onto Forbes Road. He noted the staircase and landing to left (facing) Legal Sea Foods space. The intent is to create an awareness that leads traffic to the front door of the restaurant on the upper level.

Mr. Marinelli said proposed are 4 signs in total and three different issues; decision of a wall or roof sign; a variance for size and a variance for illumination.

The first sign is additional language "Legal Sea Foods" with an arrow at the directory sign located on Forbes Road.

He said the second sign is the "Legal Sea Food" (the fish logo) including "established in 1950"; it is 24SF; approximately 6' x 4', located at the main entrance of the restaurant.

The third sign is 52" x 81" inches totaling (31 SF), it is the logo located on the northerly side, facing the expressway requiring relief.

Regarding the fourth sign, there was a back and forth discussion with Staff on whether the proposed letters spelling out "Legal Sea Foods" was a wall sign or a roof sign. Mr. Marinelli explained that the Building Department and the State Building Code standards, as determined by their architect that the proposed Legal Sea Foods sign was a wall sign since it is located below the roofline, it measures 217SF and is considered it a wall sign. If it were located above the roofline, it would be considered a roof sign.

To support the variance for the 217 SF wall sign, Mr. Marinelli presented examples of retail signs in the immediate area (at South Shore Mall) that were larger and they were allowed by the Town (Boardwalk Café, Nordstrom, Lord & Taylor, Macys and Target). He said comparatively, the proposed 217SF Legal Sea Foods sign is very reasonable.

Regarding illumination, Mr. Marinelli referred to Exhibit #7 indicating the 1 watt bulbs that provide the fill of each letter. He explained that there is no over illumination and is tasteful by design.

Other Legal Sea Foods location signs were discussed by Stuart Pitchett. He explained that they wanted to create something creative. The photos showed a variety of signs (all for Legal Sea Foods). He demonstrated a sample of the brightness by lighting a small fabricated sample letter. Mr. Pitchett explained the bulbs used are not as bright as neon.

Ms. Stickney asked if the sample was the actual proposed depth and wanted to know how the letters are going to be mounted. Mr. Pitchett said he had not done shop drawings but the sample was the actual depth. He said that there is a false front hiding the mounting which attaches at the bottom to the wall.

Ms. McDonald was concerned about the sign in the front and felt the sign does not blend with the other business signs in the immediate area. Another concern she expressed is the maintenance. Mr. Pitchett assured the Board that the signs at all locations are very well maintained. He said he didn't believe it was ever an issue.

Mr. Marinelli reiterated the size comparison of South Shore Mall signs.

Mr. Mikami acknowledged the benefit of Legal Sea Foods to the town. He asked if the letters could be centered on the side of the pergola. Mr. Marinelli explained they didn't want the letters to be seen by the patrons inside restaurant.

Mr. Mikami asked if a special permit would be required to mount the sign on top of the pergola.

Mr. Mikami explained to the Applicant that the Board's responsibility is safety. He asked them to work with the Staff, get the structural drawings to the Planning Board and work on safety. Everything else he said was reasonable.

Mr. Eng commented on the conservative design for Braintree. Mr. Pitchett presented a rendering that is more accurate of the intended end product. Ed Mitchell answered Mr. Eng saying the signage is cutting edge with the theatrical style lighting. Mr. Pitchett presented more photos but Mr. Eng felt it wasn't as artistic, not the eye-catcher of the other locations.

Mr. Burkowicz addressed the Board and said he has enjoyed doing business in Braintree. He determined the back end of the mall did not provide the visibility that the new space offers. Regarding the sign, the numerous Legal Sea Foods venues transition from the old to the new. He said the bulbs are cutting edge, as seen in New York. For Braintree, he said he wanted to balance not being a distraction, but to be noticed with "unique and inviting" appearance.

Mr. Reynolds said after reviewing the additional exhibits some of his concerns are eliminated. Regarding the sign on the northerly side; the Board did allow the Vitamin Shoppe a variance on the same side, and to a lesser extent, a similar consideration for Ben & Jerry's. He said from the way this is now presented, he did not consider this a roof sign. He reiterated the structural safety issues with the mounting of the letters that would give a greater level of comfort.

Mr. Reynolds asked if there were any further Member questions.

Ms. McDonald asked where in relation to the signs below, would the wall sign go. Mr. Marinelli indicated on the photos where the signs would go and Ms. McDonald had no further questions.

There were no other questions.

Mr. Reynolds asked if a separate vote is necessary or one vote. Ms. Stickney said one vote and reminded the Board that the vote is for 2 end wall signs (at the entrance and on the wall facing the highway), the letters spelling out "Legal Sea Foods" (271SF), and a modification to entry sign at Forbes Road.

Mr. Reynolds called for a Motion.

Mr. Eng made a Motion for favorable recommendation; seconded by Mr. Mikami.

**Vote: 4:0:0**

**(13-01) (Continued Public Hearing)**  
**35 Rocsam Park Road / Franmar Properties of New England**  
**Special Permit (135-609) Site Plan Review**

(Member McDonald recused herself and did not participate in this matter).

The Applicant requested this matter be continued without testimony due to a lack of a voting quorum.

Mr. Reynolds called for a Motion to Continue the Public Hearing to September 10, 2013 at 7:45 P.M.

Mr. Eng made a Motion to continue; seconded by Mr. Mikami.

**Vote: 3:0:0**

**ZBA (13-31)**  
**400 Franklin Street / Wildwood Estates of Braintree, Inc.**

Attorney Carl Johnson represented Wildwood Estates of Braintree owned by FX Messina, Mr. Johnson explained that the exhibits he intended did not make it to the Planning Board packets. He handed out new exhibits and Ms. Santucci noted that the last two pages were not originally submitted but the first two were.

Mr. Johnson explained that the Application is to simply extend the existing canopy over Panera to the existing canopy at Bertucci's for the purpose of shelter and to more clearly identify 400 and 400A Franklin Street. He further explained that when the parking and modernization renovations were done for Panera, the current canopy was erected. The Building Inspector determined it to be merely an extension of the current canopy with posts already in the sidewalk to accommodate the posts.

The proposed canopy is approximately 100 FT in length, it does not change any features, it is simply a covered walkway.

Referring to the last page of his material, he said that in addition to the canopy, they plan to power wash the building and freshen it up.

Ms. SantucciRozzi apologized for missing the dimensions on the Plans. She asked how deep the proposed canopy is; Mr. Johnson stated it is 8FT 3IN.

Ms. McDonald had no questions, she said it looks great.

Mr. Mikami had no questions; he said it will add value to an old building.

Mr. Eng had no questions, he said it looks good.

Mr. Reynolds had no questions and called for a Motion for favorable recommendation.

Ms. McDonald made a Motion for favorable recommendation; seconded by Mr. Eng.

**Vote: 4:0:0**

**400 Franklin Street**  
**Request to Waive Site Plan Review Jurisdiction**  
**Wildwood Estates of Braintree, Inc.**

Attorney Carl Johnson explained that the Applicant is requesting the Board to waive jurisdiction and the necessity of a Site Plan Review for the proposed canopy extension. The proposed canopy will extend over the existing front sidewalk at 400 Franklin Street.

In support, Mr. Johnson referred to Planning Department File #09-7. He explained that On January 13, 2010, the Board Approved a Special Permit (Buffer Zone) and Site Plan Review for Grading at 397 Franklin Street with Findings and Conditions.

He further explained that there have been no alterations to the original plans of (file #09-07) which are still in place. This request is for the purpose of completing some minor work to avoid delays caused by permitting.

Mr. Reynolds asked if the Staff had any comments, Staff had no comments.

Mr. Mikami asked Ms. SantucciRozzi for her input as to whether everything was up to date regarding the prior permitting. She explained there was a buffer put in parking improvements but could not recall if As-Built Approval was completed.

Mr. St. John addressed the Board and said he thought he submitted an As-Built Plan. He thought the survey was done and submitted for As-Built Approval.

Mr. Eng confirmed with Mr. St. John that there will not be additional foundations. Mr. St. John confirmed that there will not be additional foundations; he said the mechanics are already in place.

Mr. Eng also asked if the canopy will be enclosed, Mr. Johnson answered "no".

Mr. St. John explained that the signage will move out to the canopy.

Mr. Reynolds had no questions beyond those that have already been asked.

Mr. St. John offered all structural engineered sign-offs.

Ms. Stickney asked if the signage will be on top of the canopy; Mr. St. John said "No, it will be moved from the building to the front side of canopy.

Ms. SantucciRozzi asked for a clarification of the area. Mr. Johnson said the structural stamped plans have the actual area of the canopy as 8.3FT wide by 102FT in length.

Mr. St. John confirmed the location of the canopy. Mr. Johnson reiterated they will utilize the existing peers.

Mr. Reynolds asked if there were any further questions, there were none. He then called for a Motion to waive jurisdiction.

Mr. Eng made a Motion to waive Site Plan Review jurisdiction; seconded by Ms. McDonald

**Vote: 4:0:0**

**ZBA (13-32)**  
**177-179 Commercial Street / 177-179 Commercial Street Realty Trust**

Attorney Carl Johnson represented James H. O'Leary and introduced Mr. O'Leary of O'Leary Construction, owner of the property. He explained the property is zoned Residence C. This location is on Commercial Street that leads into Weymouth Landing, on which exists a 2-family building that requires demolishing. The lot is approximately 17,775 SF; Residence C standards require 43,560 SF. The Applicant is proposing to

build a new 5-family structure that will be updated with new utilities and has fully accessible handicap unit. The proposed structure is approximately the same size as the old building.

Mr. Johnson referred to 3 photos that were submitted to the Board and noted that Mr. O'Leary demolished a 5 family building at 70 Front Street in Weymouth that was structurally unsound. He liked the building so much that he duplicated and rebuilt it with new materials. This is the identical design he proposes for Commercial Street. The structure will house 3 one-bedroom units and 2 two-bedroom units.

Mr. Johnson said, as show on the submitted Site Plan, the building was moved forward to accommodate the necessary 10 parking spaces (which do comply). Proposed is a storm water system that will treat the storm water before draining back to the Monatiquot River. The curbing will be either granite or concrete to direct and capture as much of the water as possible. The rear slope of the property will be landscaped with natural plantings. The Conservation Restoration Plan is not completed yet.

Ms. SantucciRozzi questioned the frontage front setback; Mr. Johnson clarified the zoning computation for the setback is 14.5 SF.

Ms. McDonald had no questions.

Mr. Mikami asked if there would be any foundation change. Mr. Johnson indicated the changes are shown on the Plan submitted.

Mr. O'Leary said the existing foundation is stone and will not support the new structure.

Mr. Eng asked if Mr. O'Leary will maintain the building; Mr. O'Leary confirmed that he doesn't plan to sell it. Mr. Eng further commented that it's a great looking building.

Mr. Reynolds agreed with Mr. Eng and called for a motion.

Mr. Mikami made a motion for a favorable recommendation; second by Ms. McDonald.

**Vote: 4:0:0**

**ZBA (13-28)**  
**66 Francine Road / Albert Spahiu**

Ms. Spahiu explained that they would like to build a second story to accommodate family growth.

Ms. McDonald had no questions.

Mr. Mikami noted other additions in the neighborhood that are similar.

Mr. Eng clarified that the footprint will not change, that the addition is only going up.

Mr. Reynolds had no questions.

Ms. SantucciRozzi explained to Ms. Spahiu about porches and decks in proximity to the front of the property.

Mr. Reynolds had no further questions and called for a Motion for favorable recommendation

Mr. Eng made the Motion for favorable recommendation; seconded by Mr. Mikami.

**Vote: 4:0:0**

**ZBA (13-29)**  
**11 Wynot Road / Marguerite Trudel**

Marguerite Trudel, property owner, explained that her existing back deck is deteriorating. She said it was built incorrectly and has had problems with termites and water damage. She would like to rebuild it and add another 3 feet to the structure. She said she talked to her neighbors who are supportive. She is asking for favorable recommendation.

Ms. McDonald – no questions.

Mr. Mikami said with the 3 foot extension, there is still a 23FT setback so he had no problem with it.

Mr. Eng said the new deck is reasonably sized.

Mr. Reynolds had no questions and called for a motion.

Mr. Mikami made a Motion for favorable recommendation; seconded by Mr. Eng.

**Vote: 4:0:0**

**ZBA (13-29)**  
**5 Mann Street / Paul C. Pando**

Mr. Paul Pando explained he wants to add a deck to the rear of the house.

He said he should have 30FT but it is only 12.5FT from the property line.

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

Mr. Reynolds called for a Motion for favorable recommendation

Mr. Mikami made a Motion for Favorable Recommendation; seconded by Mr. Eng.

**Vote: 4:0:0**

**(13-04) (Public Hearing)**

**19A Commercial Street / FINIA II, LLC**

**(BWLD) Special Permit for Reduction of Parking (135-615) Administrative Site Plan Review**

James Baldassini, attorney for Applicant  
Robert Hedlund, Applicant  
Marc Fani, Co-owner

Mr. Reynolds read the Legal Notice.

Mr. Baldassini introduced Mr. Hedlund and Mr. Fani and explained that for 2 ½ years, they operated a Bar called the Four Square Restaurant in Weymouth Landing. He said they now intend to open an upscale restaurant across the street.

Mr. Baldassini referred to submitted illustrations attached to the Plans and explained they are investing a substantial amount of money to outfit the proposed restaurant. They would like to include 20 outdoor seats by installing a side door to the outdoor area. This area would be surrounded by a concrete wall and railing to separate it from the existing parking area. They are seeking relief from the parking requirements of the Braintree-Weymouth Landing District for 8 spaces not on-site but can be within the Municipal Parking Lot.

They are planning 67 interior seats and 20 outdoor seats; a total of 87 seats. He said his understanding was that he would need 15 parking spaces, one space per 6 seats. He is asking for relief, proposing the staff utilize the parking lot. They are encouraging employees to carpool, use public transportation or utilize bicycles.

Mr. Reynolds asked where the proposed patio will be located. He referred to an updated plan of the side of the building that was previously submitted to the Planning Department.

Mr. Baldassini briefly discussed signage; the applicants hope to include it within the review.

Mr. Reynolds asked if there were any public or property abutters present who had questions.

Mr. Barry Joseph an abutter and owner of Chair Fair located at 37 Commercial Street that borders the proposed restaurant location was present and had comments. He explained the problem he has with the Application is parking in his parking lot. Customers for the surrounding businesses park in his spaces at Chair Fair and prevent parking for his own patrons. This is an ongoing issue that he has attempted to address in various ways including posting a person at the window; signs; towing; asked restaurants to post a sign asking their patrons not to park at Chair Fair.

Mr. Reynolds assured Mr. Joseph that his concerns will be addressed during the hearing.

Ms. Stickney commented about the Site Plan and stated that the building that houses Chair Fair was originally owned by Daniel Quirk who currently owns the property Mr. Hedlund is proposing for this Application.

At that time when Mr. Quirk owned both properties, it was used by all retail patrons but there have never been any reciprocal easements since the change in ownership. Later, when the MBTA obtained ownership, the property lines became more distinguished so cars would not cut through and go to the back, however, this caused a problem for Chair Fair truck deliveries. Today, with no easements, the Staff has

recommended there be one way to enter and one way to exit by the Municipal Lot to the light to either access Commercial Street or Quincy Avenue.

Technically, the proposed outdoor seating leaves 7Ft for an aisle on Mr. Hedlund's property – the Board cannot approve access over the Chair Fair's property if not part of this review.

Members questioned the status of their licenses. Attorney Baldassini had been before Licensing earlier in the day which was continued to next month.

Ms. Stickney further stated that new legislation of licensing allows the Applicant to seek a 75 seat license in the Landing. If they pursue this licensing, the relief necessary for the Request for Special Permit would be for 5 spaces. Ms. Stickney asked Mr. Baldassini what relief the Applicant will be requesting; Mr. Baldassini said that has not been decided yet.

Ms. Stickney further explained that the other issue is the Administrative Plan Review. It includes not only the outdoor seating but the 8FT x 10FT cooler in the back, the new use (parking ratio) and any signage. She recommended that if the Applicant applies for a Special Permit for parking reduction he apply for an all-inclusive permit.

Ms. Stickney further recommended the Applicant check with inspectional services regarding the handicap accessibility route to make sure that the slopes are met. Roof leaders and the referenced drainage system will have to be shown on a revised plan. There is a 5 year moratorium on the sidewalk under the PWED for no Disturbance so all drainage has to exit the rear of the building. Also recommended are no deliveries on Commercial Street.

Mr. Joseph addressed Ms. Stickney and explained a delivery pattern issue. Ms. Stickney said that she researched and found no easement.

Mr. Baldassini assured the Planning Board that they will try to work with Mr. Quirk and Mr. Joseph to find a solution to the parking issue.

Mr. Hedlund concurred with the parking issue, and said further that he was willing to improve the exterior impediments to walkers at the MBTA.

Ms. Stickney explained the town's continued effort to make a municipal walkway through the entire landing area. She said that at this point, the board cannot make a decision on the seating today.

Mr. Hedlund updated the Board regarding the prior Licensing Board hearing and said he met with Mr. Joseph who also attended the hearing. He further stated that the availability of parking in proximity to the Municipal Parking is a better situation than his business across the street. He believes the seating will stay at the number that was submitted.

Ms. Stickney stated that the Town is looking into parking in the entire Landing area but it is a distance away. Mr. Joseph supported the idea of some Town signage that would help his situation.

Mr. Reynolds opened questions to the Board.

Ms. McDonald questioned the outdoor seating asking if it will be a permanent structure. Mr. Hedlund said there will be a concrete retaining wall with an ornamental rail.

Ms. McDonald asked how many spots will be eliminated; Mr. Hedlund said 2 handicap spots.

Mr. Mikami encouraged a timely, complete and exact submission to the Board for adequate and timely review. He asked how many people are employed across the street at their existing business (Four Square). He also asked what the transportation profile of these employees is; that is, how many bike, how many walk, etc.

Mr. Hedlund said there are about 20 employees, 2 people walk, 3 people carpool and park in the municipal. There are 3 people who take public transportation and the remainder drive and park at the municipal lot.

Mr. Mikami said that based on that ratio, 60-80% of the employees drive. The proposed location will have at least 20 more employees, adding another 5-8 cars. He further said that one of the major issues is about traffic and parking and sees this as an addition to the problem. He strongly encouraged all parties, including Mr. Quirk to collaborate on a solution to the parking problem.

Mr. Mikami asked Mr. Hedlund what exactly happened at the Licensing Board hearing – exactly how many seats were permitted.

Mr. Baldassini said they requested 67 seats inside and 20 outdoor seats but were continued. Further discussions were parking, style of restaurant, etc. and they tabled it until after the Site Plan Review. Regarding a liquor license, there are only 6 available; they were encouraged by that board to reduce the seating to no more than 75 seats (inside and out).

Mr. Mikami confirmed no license was obtained and said that all the issues need resolution but the parking is the most critical aspect.

Mr. Eng wondered if the success of this business will be affected with the parking issues. Mr. Hedlund said he didn't believe so; he and his family have had a restaurant in the same area for the past 50 years, and the parking issue existed then.

Mr. Eng emphasizes the Planning Board wants businesses to succeed in the Landing.

Mr. Hedlund said they have been reasonably successful considering it is primarily a bar but the bulk of the income is food. Patrons park as far away as Front Street and walk down the hill. He believes the municipal parking lot is the answer. He is willing to help fund improvements to the appearance of the back lot that will provide a pathway for patrons to park at the municipal lot, which will be beneficial to his business.

Ms. Stickney said they will have to review Chair Fair's easements with the MBTA to ensure that there are no violations of the easements.

Mr. Hedlund suggested a condensed area provided by the Town for the dumpsters.

Mr. Eng reiterated that his comments are intended for a successful business.

Mr. Reynolds explained that the Applicant needs to meet and work with the Planning Board and other departments on parking, access and employee parking solutions. He expressed appreciation for the solution speculations.

Ms. Stickney suggested submission of plans and work on solutions for draft conditions by September 10, 2013, at the next Planning Board meeting. She also suggested they meet with the owner of Chair Fair and all pertinent parties.

Mr. Hedlund wanted clearer guidance for the preparation. Mr. Reynolds suggested he collaborate with Mr. Joseph regarding some agreeable signage. He emphasized the topics and questions discussed in this meeting.

Ms. Stickney further suggested they submit all the material by August 27, 2013. If this cannot happen, it will have to be heard on October 8, 2013. Mr. Baldassini thought that it could happen; he had doubts only about the drainage plans.

Mr. Reynolds asked that the Applicant prepare for more meaningful discussions concerning all the issues.

Mr. Baldassini assured the Board that they will work together.

Mr. Reynolds called for a motion to continue.

Mr. Eng made a Motion to continue the hearing to September 10<sup>th</sup>, 2013 at 8:15 pm; seconded by Ms. McDonald.

**Vote: 4:0:0**

**11-06**  
**257 Ivory Streets / Covanta-SEMSS**  
**Request for As-Built Approval**  
Tom Stanwood, Terminal Manager  
Ray Quinn, Stantec Engineering

Ms. Stickney summed up the current status of the Covanta project. She said it's nearly complete, the Contractor, Callahan, has completed the additional work that was required. Covanta has a little more to do but she suggested it would be appropriate to release the performance guarantee of \$16,000. She issued a memo to the Board that summarized the remaining work.

Mr. Reynolds asked Mr. Stanwood if he had any comments. Mr. Stanwood briefly discussed the rain garden and a couple of landscaping issues. He further explained that they continue to educate residents about the facility. He said the drainage is working and they will meet with the Conservation Agent next week (August 19-23, 2013) for those issues.

Ms. Stickney said there are some long-term commitments; there are surviving conditions with the As-Built. They are currently buttoning up the remaining work. They will be in to discuss those issues later. Overall they have been very cooperative.

Mr. Reynolds asked if the Board members had any questions.

Ms. McDonald had no questions or comments.

Mr. Mikami asked Mr. Stanwood how he thought it was working. Mr. Stanwood said he is happy with the progress; there are some issues he is working on but assured him that they are in it for the long haul.

Mr. Eng said it seems to be running well – a great improvement

Mr. Reynolds said overall, it's a remarkable improvement. He thanked Mr. Stanwood for the effort.

Ms. Stickney said there is a little more work to do but they will be back in a few months.

Mr. Reynolds called for a Motion to release the \$16K Performance Bond.

Mr. Eng made the Motion to release the \$16,000 Performance Bond; seconded by Mikami

**Vote: 4:0:0**

**(T.C.O. 13-029) (Public Hearing)**  
**Medical Marijuana / Zoning Moratorium**  
**Mayor Sullivan**

Christine Stickney was present for the Mayor's Office and requested this matter be continued without testimony.

Mr. Reynolds read the Public Notice and called for a Motion to continue to September 10, 2013 at 8:45 P.M.

Mr. Eng made a Motion to Continue; seconded by Mr. Mikami.

**Vote: 4:0:0**

**(11-04)**  
**405 Franklin Street / TD Bank**  
**Request for As-Built Approval**

Ms. SantucciRozzi explained that she circulated an e-mail memorandum earlier today (August 13, 2013) to the Board concerning 405 Franklin Street. She said Staff has identified some outstanding issues and suggests the Board table the action to September 10, 2013.

Mr. Reynolds called for a Motion to continue to September 10, 2013.

Mr. Mikami made a Motion to continue; seconded by Ms. McDonald.

**Vote: 4:0:0**

**(08-12)**

**385 Quincy Avenue / CITGO**  
**Request for As-Built Approval**

Ms. SantucciRozzi explained that in an effort to close out older projects, this was ready for As-Built Approval about 2 years ago. Staff has conducted several site visits in conjunction with the Conservation Commission. All the Conditions have been satisfied and we are not holding any Surety. The Staff is recommending As-Built Approval with the Surviving Conditions: 1, 12, 30, 37, 38, 40 and 46.

Mr. Reynolds called for a Motion to act on the Staff Recommendation to grant As-Built Approval with Surviving Conditions: 1, 12, 30, 37, 38, 40 and 46.

Mr. Eng made a Motion to grant As-Built Approval with Surviving Conditions 1, 12, 30, 37, 38, 40 and 46; seconded by Mr. Mikami.

**Vote: 4:0:0**

**Approval of Minutes May and June, 2013**

Mr. Reynolds called for a Motion to accept the Minutes for May 2013.

Mr. Mikami made a Motion to accept the Minutes for May 2013; seconded by Ms. McDonald.

**Vote: 4:0:0**

Mr. Reynolds called for a Motion to accept the Minutes for June 2013.

Mr. Eng made a Motion to accept the Minutes for June 2013; seconded by Mr. Mikami.

**Vote: 4:0:0**

**(03-17)**

**Oregon Avenue Extension Definitive Subdivision**  
**Update Discussion**

(Member McDonald recused herself and did not participate in this matter).

Ms. SantucciRozzi informed the Board that Staff issued a Request for Engineering Services and received proposals to perform inspections, collect data, and conduct survey work that includes a punch list of incomplete items and total costs. Amory Engineering from Duxbury was chosen. A meeting is scheduled with them, Staff and the Engineering Department on August 15, 2013 in which a site visit is planned. The report will be available to the Board at the September 2013 Meeting.

Amory Engineering said that they can complete the project within the next two weeks. In the interim, Staff mailed a certified request to renew the a Surety Bond the Town is holding in the amount of \$78,0000, to the Bond Agent in Randolph and the Applicant, Zampine Farm, overseen by Jamie and Daniel McGrath. We have received Proof of Receipt signatures from all and they are on file.

Staff will pursue obtaining the Bond Renewal which expires on September 20, 2013, concurrently with gathering data to see what the next steps will be.

There were no questions by the Board.

Mr. Reynolds called for a Motion to adjourn the meeting.  
Mr. Eng Motioned to adjourn; seconded by Mr. Mikami

**Vote: 3:0:0**

**The meeting adjourned at 10:03 P.M.**

Respectfully Submitted by,  
Elizabeth Schaffer