



Joseph C. Sullivan  
Mayor

## Department of Planning and Community Development

Melissa M. SantucciRozzi, Principal Planner  
1 JFK Memorial Drive – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

### PLANNING BOARD

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

Braintree Planning Board  
October 8, 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. Reynolds called the meeting to order and took roll call at 7:05 pm.

Mr. Harnais was not present for roll call but joined the meeting at 7:20 P.M.

### Zoning Board of Appeal Petitions – October

#### ZBA (13-41)

#### 17 Olofson Street / Donna Brickley

Ms. Brickley addressed the Board explaining she is seeking relief of the 10 FT side setback rule. She is proposing 8.5 FT side setback to add 14.5 FT wide, garage. She said she would like that width for safety in and out of the home.

Mr. Mikami asked the Applicant if she conferred with the Planning Staff about the project.

Ms. Brickley said no, she did not realize she needed to do that.

Mr. Mikami asked Ms. Brickley if she was aware if she reduced the garage width to 12.5 FT, she would not need a variance.

Mr. Brickley said she was aware of that but she prefers the larger width because she wants to accommodate storage on the sides without interfering with opening a car door.

Mr. Mikami did not see it as a physical hardship.

Mr. Eng agreed that it wasn't a physical hardship as storage can be placed in the back of the garage; he has an issue with the request.

Ms. McDonald had no questions or comments.

Ms. Brickley asked Mr. Reynolds about the process.

Mr. Reynolds explained the Planning Board procedures and their recommendation is simply a recommendation to the Zoning Board. The recommendation may be positive, negative or no action. Further, he told Ms. Brickley that the recommendation is forwarded to the Zoning Board of Appeals.

Ms. Brickley clarified that she could still go to the Zoning Board. Mr. Reynolds assured her that she can still go to the Zoning Board.

The Board members had no further questions.

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

Mr. Eng Motioned for an unfavorable recommendation; seconded by Mr. Mikami.

**Vote: 4:0:0**

**ZBA (13-39)**

**727 Granite Street / (F.X. Messina / Granite Plaza, LLC)**

Ronald Cibotti, Director of Leasing, F.X. Messina Enterprises

Mr. Ronald Cibotti introduced himself; he addressed the Board and said he is seeking a favorable recommendation to add an additional panel to an existing ground sign at Granite Plaza.

Mr. Eng asked if Mr. Cibotti read the Staff Report. Mr. Cibotti said no.

Mr. Eng then asked how old the sign is. Mr. Cibotti said it's probably 25-30 years old.

Mr. Eng suggested that the sign was outdated; he asked if Messina Enterprises had plans to replace the sign at some time. Mr. Cibotti said that there are some tenants that are not on the sign; it is limited to the major tenants.

Mr. Eng said it seems, as tenants come and go, they keep adding to the existing sign. Mr. Cibotti responded saying after this one; no more can be added because it would be too close to the ground.

Mr. Eng asked if it is a lit sign. Mr. Cibotti said yes.

Mr. Mikami asked if Granite Place is 100% occupied. Mr. Cibotti said there are still a few smaller spaces – if they had to add to the sign, they would work within the current space.

Mr. Mikami agreed with Mr. Eng, he would like to see some signage enhancement and suggests removing the Granite Grill ground sign as it doesn't add any value and it is right beside this sign.

Mr. Cibotti said maximum identity is necessary for all the tenants and the restaurant.

Mr. Reynolds suggested to Mr. Cibotti that he find another alternative to the proposed ground sign that the existing sign exceeds the existing bylaw by more than double the limit. He agreed with the other board members, it has reached the saturation point where an alternative is needed.

Mr. Cibotti said the sign is about 30 years old and it should be grandfathered.

Mr. Reynolds suggested the Applicant pursue another solution and that the Town has to be careful with such excessive signage.

Ms. McDonald asked if Planet Fitness will have their own sign above their unit, Mr. Cibotti said yes, but the corner unit may limit their visibility.

Mr. Reynolds called for a Motion.

Mr. Mikami motioned for an unfavorable recommendation; seconded by Mr. Eng.

**Vote: 4:0:0**

(At 7:25 P.M. Mr. Harnais arrived and chaired the meeting.)

**ZBA (13-40)**  
**1486 Liberty Street / Meridith and Keith Duffy**

Ms. Duffy introduced herself and addressed the Board.

She explained they are adding a 24 x 16 addition to the right side of their home and a 12 x 15.8 FT deck. She said they encountered a hardship due to the ledge and the slope of the land so they were forced to relocate the proposed addition – the issue is they exceed the 20% lot coverage.

Ms. McDonald asked Ms. SantucciRozzi to explain the watershed aspect. Ms. SantucciRozzi said this property is in the watershed overlay district, it is an undersized lot and the proposal exceeds the coverage by 4%. There are no improvements that satisfy the objectives of the watershed and nothing was submitted with the Application.

Ms. McDonald reserved further questions.

Mr. Mikami asked the Applicant if she understood that. Ms. Duffy said yes, that it was previously before the Conservation Committee. They requested hay bales that were inspected by Conservation and there were no further Conservation issues.

Mr. Mikami confirmed that Conservation had no issues with drainage.

Mr. Eng questioned the ledge; he asked Ms. Duffy if she showed the Building Department or the Planning Staff the ledge on the property.

Ms. Duffy explained she had numerous discussions with the Building Department but did not meet with the Planning Department.

Ms. Duffy confirmed that the ledge is above the ground and the original builder graded the back for usability.

Mr. Eng asked if Ms. SantucciRozzi has viewed the property; she said not recently. Mr. Eng said if the ledge is verified he would make a favorable vote.

Mr. Reynolds did not agree with the ledge hardship. He questioned the side of the house where the ledge is located. David Oliver, who accompanied Ms. Duffy, said it's less about the ledge and more about increasing the rear yard for usability. They do not want to eliminate the driveway because of the additional expense.

Mr. Reynolds stated that since the Applicants have chosen the location of the addition and are not willing to remove the driveway area, they are creating the hardship themselves. Mr. Reynolds said if they utilize the driveway, they do not need a variance.

Mr. Reynolds asked (hypothetically) if they go forward, how will they mitigate the watershed coverage since you will exceed the coverage by 4%. The addition will add more roof space and more runoff.

Mr. Reynolds explained again that the applicant created the hardship and then is asking forgiveness when there is a solution by removing a portion of the driveway. He explained that if allowed, it conflicts with the spirit of the bylaw.

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

Ms. McDonald said that since the hay bales have been set up and it is a modest request, she made a motion for favorable recommendation; there was no second.

Mr. Reynolds motioned for unfavorable recommendation; seconded by Mr. Mikami.

**Vote: 3:1:1**

**ZBA (13-42)**  
**196 Allen Street / John Barrett**

Mr. Barrett addressed the Board and explained he just purchased the property and would like to correct some issues with the house. He said adding a deck off the kitchen will replace the current secondary egress, so the current secondary egress will convert into a walk-in closet and provide room on the second floor for a bathroom and walk-in closet.

There are two right-of-ways and ledge on the property. The deck is a way to make up for lack of yard space, enhance the property and provide a more efficient use of the space.

Mr. Harnais asked if the Board had any questions.

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

Mr. Reynolds said the slope/ledge that the house is built into is a clear hardship. Further, he said the rear yard setback is only a 1 FT variance which he did not have a problem with.

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

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

**Vote: 5:0:0**

**ZBA (13-38)**

**50 Hickory Road / Richard T. Gallagher, Jr. & Cathy Sloan-Gallagher**

Mr. Gallagher addressed the Board and said he is amending his Zoning Board Application and intended to get on the agenda for November. Mr. Gallagher clarified that some of the dimensions will be amended.

The Applicant will resubmit to the Zoning Board, and appear on the November 12<sup>th</sup> Planning Board Agenda.

**ZBA (13-37)**

**11 Alfred Road / David Oliver**

Mr. David Oliver (builder) addressed the Board and explained that he is proposing an upward addition to an existing structure on a non-conforming lot.

Ms. McDonald had no questions.

Mr. Mikami asked if the applicant has worked on any other property in the area. The Applicant said yes.

Mr. Mikami mentioned the Staff notations of many non-conforming, undersized lots in and around Alfred Road that are enlarging their houses vertically.

Ms. SantucciRozzi explained that there are many ranches expanding in the area.

Mr. Reynolds said he has seen many of the additions which look great and are working within the current footprint.

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

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

**Vote: 5:0:0**

**ZBA (13-36)**

**85 Cotton Avenue / David M. Litif**

Ms. SantucciRozzi explained to the Board that the Applicant was not present. Further that the Applicant was before the Board a few months ago seeking relief to construct 3 small additions to square off a dwelling that had been previously added to. Now he is petitioning to construct a deck off the rear of the structure.

Mr. Harnais commented that usually, the Applicant is present.

Mr. Reynolds asked staff to help him recall the project.

Mr. Harnais called for a Motion.

Mr. Eng made a Motion for no action because the Applicant was not present; seconded by Mr. Reynolds

**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**

James Baldassini, attorney for Applicant

Robert Hedlund, Applicant

Marko Piro Fani, FINIA Partner

Sean Hardy - Engineer

The Chair called for a Motion to enter the Correspondence into the record.

Mr. Reynolds made a Motion to enter the Correspondence dated 9/13/13 thru 10/8/13 into the record; seconded by Mr. Eng.

**Vote: 5:0:0**

Ms. Stickney updated the Board of the Applicant's attempt to remedy a lack of access to the property for parking. She said the Applicant approached the owner of the abutting property for an easement which was understandably refused given the current proposal involving the sale of their property.

An alternative approach was discussed with the Applicant, a 90 degree parallel parking arrangement that would allow 3 spaces but the Applicant will have to amend his application for relief for 12 spaces instead of 8 via the municipal parking lot and access would be one-way into the property and out through the municipal lot.

Ms. Stickney further stated that signage and drainage plans have been submitted; the remaining issue is the parking.

Mr. Baldassini addressed the Board and introduced Applicants and Sean Hardy, the Engineer. He said Mr. Joseph, the owner of Chair Fair, had agreed to some parking directional signage. The Applicants are now seeking relief for 12 parking spaces and he explained that they have made provisions for alternate transportation for employees.

Mr. Baldassini further mentioned there is a plan for seasonal outdoor seating.

Ms. McDonald asked how many outdoor seats are proposed and what calendar time frame is the seasonal seating. Mr. Baldassini said 20 outdoor seats are included in the total of 87 seats. General dates run from Memorial Day through Columbus Day.

Mr. Hedlund addressed the Board saying his understanding about seasonal seating is based on permitted weather. Ms. Stickney added that seasonal service is usually tied in with the liquor license and recalled the time frame to be the end of April through October (at Four Square Restaurant) across the street.

Ms. McDonald asked how many parking spots are necessary for 67 patrons. Ms. Stickney said: 1 space per 6 seats. Mr. Hedlund said that is why a 12 space variance is being pursued now if only 3 spaces on-site.

Ms. McDonald said she is in support of revitalizing the Landing area but has concerns about the parking.

Mr. Mikami also supported the Landing redevelopment, but said safety and parking are his concerns. He asked why the prior parking configuration has changed.

Mr. Baldassini said they are now only limited to their own property because Chair Fair will not grant an easement because he is reserving his options considering the rumor of development of that block of buildings in the Landing.

Mr. Mikami explained why he felt the parking plan is unreasonable.

Mr. Hedlund explained that Mr. Joseph will agree to some parking signage. He said the property lines affect both properties and a proposed agreement will bring some order to the situation but the Josephs can not record anything against their property title now.

Mr. Mikami reiterated his point that a gentleman's agreement is not enforceable. He further asked about the seating which he said was the essence of the issue.

Ms. Stickney explained there were some special liquor licenses created through special legislation for the Landing and So Braintree Sq. that were capped at 75 seating capacity. She further said that the Applicant was offered one of the 75 seating licenses.

Mr. Hedlund explained the difficulty in obtaining the existing liquor license (for 87 seats).

Mr. Mikami made a comparison with the Landing Pub; the Applicant's relief is more excessive.

Mr. Hedlund summarized that he took a property that was run down, boarded up and is determined to make a successful business. He suggests the use of the Municipal Lot will remedy the parking issue.

Mr. Mikami emphasized the seating proposal intensifies the parking situation. He asked if there are any changes to consider, ways to reduce the intensity.

Mr. Hedlund clarified that the project has been scaled back twice after discussions with the town departments.

Mr. Mikami stressed the Applicant is seeking the maximum and is not willing to settle for less.

Mr. Eng acknowledged Mr. Mikami's comments and asked what the original seating capacity was. Mr. Hedlund said it was near 100. He talked about the safety of patrons through the narrow access and asked if they would consider an entrance through the rear.

Sean Hardy addressed Mr. Eng and explained that a rear entrance would be possible but it would further limit (3) parking spaces requiring an 18 FT ramp plus a turning area since the grade drops by 18 inches.

Mr. Reynolds agreed with the safety concerns and asked how the impending redevelopment of that building block will affect the proposed restaurant. Since we do not know the future effects, he suggested a revisiting the parking issue in a determined amount of time.

Mr. Harnais suggested that the Applicant prepare for but refrain from installing the outdoor seating because of the unknown development of that block of buildings which may affect the plan.

Mr. Hedlund said he is not willing to give up the outdoor seating.

Mr. Harnais asked if there were any public questions or comments. There were no questions.

Mr. Harnais summed it up as an access issue more than an outdoor seating issue.

Ms. Stickney strongly suggested, given the time, to continue the Public Hearing to allow the Applicant to redesign the parking and asked if the board is going to entertain the outdoor seating.

Mr. Reynolds clarified that the safety issue at the outdoor dining area has been resolved. He said we now need to change the parking, not the seating adjacent to the building. He asked Mr. Harnais to clarify that the town will permit access of 3 parking spaces. He supported the 12 spaces in the municipal lot to support the spirit of the bylaw and business owner.

Mr. Hardy asked if 3 parking spaces in another configuration in the back of the lot near the back entry would be satisfactory.

Mr. Reynolds clarified the outstanding issues that still have to be resolved, alternative municipal parking, parking in access area, seating in the access area, delaying outdoor seating.

Mr. Eng suggested that cars exiting through the municipal parking lot (with Town permission) would eliminate the safety issue.

Mr. Mikami suggested to either delay or eliminate the outdoor seating.

Mr. Harnais called for a Motion to continue.

Mr. Reynolds made a Motion to continue to November 12, 2013, at 8:30 pm.; seconded by Mr. Eng.

**Vote: 4:0:0** (Mr. Harnais did not vote, missed original testimony of first hearing)

### **03-17**

#### **Oregon Avenue Ext. Definitive Subdivision / Incomplete Public Improvements and Default Discussion and Action** (Ms. McDonald recused herself)

Ms. SantucciRozzi reported to the Board the progress on moving forward on a default. She reported that there has been no contact from the developer since the last meeting.

She said she notified the Surety Company and Zampine Farm Realty Trust via certified mail to be present at this meeting to demonstrate to the Board that they have made substantial progress. A signature of receipt was obtained from both. She said she did hear from the bond agent, however, there remains no contact or presence before the Board.

Mr. Harnais asked the value of the Bond. Ms. SantucciRozzi said \$78,000.00 and the cost estimate for remaining work from the independent Engineer is just over \$70,000.00.

Mr. Harnais said that Zampine was not at the previous meeting, however a representative of the company did attend to take notes but he did not comment on the matter. They are not present at this meeting, there are neighborhood residents here and the developer has done nothing.

Mr. Harnais said there is no question, the Town allowed this developer to come in, permits were granted, they allowed this subdivision. Now this developer does not show up to answer why the development is unfinished; he left homeowners and home buyers stranded; they don't deserve to have the bond returned – it should be used to better the neighborhood as a responsible developer should have done.

The Chairman called for a Motion to attach the bond.

Mr. Reynolds made a Motion to attach the bond; seconded by Mr. Eng.

**Vote: 4:0:0** (Ms. McDonald did not participate)

Mr. Harnais called for a motion to declare the subdivision in default.

Mr. Eng made a Motion to declare the subdivision in default; seconded by Mr. Reynolds.

**Vote: 4:0:0** (Ms. McDonald did not participate)

#### **10-07**

#### **30 Forbes Road / Legal Sea Foods and Karma Nominee Trust**

#### **Request for Minor Modification – Valet Parking**

Frank Marinelli, Attorney for Applicant

Rick Heller, V.P. and General Council for Legal Sea Foods

Allen Dempsey, V.P. of Operations for Legal Sea Foods

Brian Dundon, Site Engineer, RJ O'Connell

Mr. Marinelli addressed the Board and introduced the attending parties. He gave a short background on Legal Sea Foods and explained the expense involved to open the new location at South Shore Place encompassing 9,000 SF at the hotel level, expecting it to be a vibrant location.

Opening on November 7, 2013, Legal Sea Food is proposing to offer valet parking. Plans were previously submitted to the Board indicating the location where the cars will be parked and the authorization of the site owner.

Mr. Marinelli explained that the Forbes Road first curb cut identifies Legal Sea Food and urges patrons to drive to the hotel level for the restaurant entry. There is also access from a staircase located on the left side of the building from the lower level.

Further, a narrative that was previously submitted to the Board described the valet plan. The service would operate from a curb indentation at the entry with enough free space for other patrons to drop off. It has reserved space to park 77 cars of the 352 allotted parking spaces for the restaurant.

Mr. Marinelli said the site owner authorized the valet service but reserved the right to terminate it should it interfere with the hotel business.

Ms. McDonald commented that it was a great idea and had no questions.

Mr. Mikami questioned how the service would handle more than 77 cars.

Mr. Marinelli said they will utilize other space in the 353 allotted spaces. They would likely utilize the southern area of the parking lot to reserve the closest spaces for patrons who do not use the valet service. He further stated they anticipate that only 40% of the restaurant patrons will utilize valet service.

Ms. Stickney said that in addition to the already adequate parking, the hotel area provides more space if needed. A snow storage area was previously planned to not interfere with any designated parking space.

Mr. Harnais asked if this is a modification to the permit, how the landlord could have the right to discontinue the service. Ms. Stickney said this is a minor modification, upon the suggestion of Staff, the Applicant took a proactive approach to avert any problems that may or may not arise.

Mr. Marinelli said that it is a modification to their permit, subject to the submitted materials. Additionally, at Staff request, they contacted the Fire Department for a site review and report of the physical layout.

Ms. Stickney added that the Fire Department had no problems with the access with or without the valet service.

Mr. Eng asked if the 5-7 minute commitment to retrieve a patron's vehicle is realistic. Mr. Dempsey addressed the question, he explained that Legal Sea Foods wants to make sure the customer does not wait; they plan to assign more runners if necessary.

Mr. Eng asked how the valet cars will be secured. Mr. Dempsey said the vehicles will be locked and the keys will be contained in a locked box at the ambassador's station near the restaurant entry.

Mr. Reynolds asked if any change of lighting will be necessary for the valet service. Mr. Marinelli said this was reviewed earlier in the process and there is no need to change any lighting.

Mr. Reynolds then asked if the service will be operated by Legal Sea Food or by an outside vendor. Mr. Dempsey said it will be managed by an outside valet vendor.

Ms. Stickney asked who makes the determination for implementation of the valet service. Mr. Marinelli said Mr. Dempsey is in charge of all issues involving the opening. She then asked Mr. Dempsey if the service could be offered for a trial period with the opening. He said they will consider any guest enhancement currently under assessment. He said he intends to bid the job in advance to be ready to implement the service immediately when they are ready.

Mr. Harnais had no questions and called for a Motion.

Mr. Eng made a Motion to approve the implementation of the Legal Sea Food valet parking program, a minor modification; seconded by Mr. Reynolds.

**Vote: 5:0:0**

**12-11**

**90-96 Church & 178 Washington Streets / R.J. O'Connell & Associates**

**Request for Minor Modification – ADA Improvements**

Brian Dundon, Civil Engineer, R.J. O'Connell & Associates

Mr. Dundon addressed the Board and explained the minor modification for CVS Pharmacy construction that is currently underway. The change is necessary to address an egress issue to a door that was added to the rear corner that fronts along Church Street.

There is a 12 Inch grade differential at the second egress (emergency exit) because the sidewalk grade is higher than the door level. To make it ADA compliant, they are proposing to install a ramp and handrail.

Ms. McDonald had no questions.

Mr. Mikami asked if the neighbors will be okay with the change. Mr. Dundon said yes, they choose to install a simple black rail that will blend into the building.

Mr. Reynolds and Mr. Eng had no questions.

Mr. Harnais called for a motion.

Mr. Reynolds made a Motion to accept the minor modification; seconded by Mr. Eng.

**Vote: 5:0:0**

**99-21**

**Buker Estates Definitive Subdivision / NT Development, Inc. / Roadway Paving**

**Discussion and Action**

Norman Preston, developer of Buker Corner Lane, introduced himself and explained that the road was permitted in 2000. He hired a company to do a final coat of pavement. In December of 2012, he hired pavers who did a substandard job; he expected a quality job for a town road.

He explained that the pavement created a severe water problem at the driveway at #10 Buker Corner Lane. Mr. Preston said he immediately called it to their attention; requesting that it be rectified. They assured him that it would be done in a professional manner. It was not. TK Asphalt told him they were going to raise and pave the driveway over; they did not do that, instead, they cut out a 14 FT x 30 FT section of the street and patched it. This violates the 5 year moratorium on patching a new street.

Mr. Preston involved the town Engineer and began a letter writing process. The Town Engineer provided his written opinion; some of his findings in the memo stated it is: "a large unsightly patch in the roadway that will never look like the surrounding pavement."..."A poured asphalt seal of the cut and match line without any signs of preparation is not a good long-term repair."..."If this repair is not properly done and/or the asphalt is over-heated, then we will be looking for a new surface on the entire roadway." [*Memo dated 9-12-13 from Bob Campbell, Town Engineer to Melissa Santucci, Principal Planner, Braintree Planning Department*]

Mr. Preston said the final determination of the Town Engineer was the paving contractor should do an excellent quality infrared patch or resurface the entire roadway.

Mr. Preston further explained that except for this issue, the road is done; the bounds have been set; he is finished. The Planning Board approved the subdivision and he is asking the Board's assistance with this issue.

Ms. SantucciRozzi explained she previously met with Mr. Preston and she did a site visit. She said the issue has to be rectified before the road can be accepted and Mr. Preston is looking for direction from the Board. She suggested the Board sanction the Town Engineer's recommendation that would enable Mr. Preston to take it to the contractor for remedy. She suggested support from the Board to resolve the issue now rather than later.

Ms. McDonald had no questions at this time.

Mr. Mikami agreed it's a nice subdivision and should be rectified.

Mr. Preston said he has been doing this for 30 years and has never encountered a problem like this.

Mr. Eng cautions Mr. Preston and the Board to get a guarantee of quality in the patch. He has seen quality patches and others that were not so good.

Mr. Reynolds agreed that the subdivision is a quality product and also agreed with the Town Engineer's recommendation.

Mr. Harnais called for a Motion.

Mr. Eng made a Motion to support the Town Engineer's memo and require an infrared Treatment of the patch, with a guarantee from the Paving Contractor and in the event that the treatment fails that the entire roadway must be repaved; the Motion was seconded by Mr. Reynolds.

**Vote: 5:0:0**

### **Approval of Minutes August and September, 2013**

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

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

**Vote: 4:0:0** (Mr. Harnais was absent at the August meeting)

Mr. Harnais called for a Motion to accept the September 2013 Minutes.  
Mr. Eng made a Motion to accept the Minutes for September 2013; seconded by Mr. Reynolds.

**Vote: 5:0:0**

**13-05**  
**155-199 Bay State Drive / Crossfit-93**  
**Special Permits (135-609) / Site Plan Review**

Mr. Harnais read the Public Notice.

Ms. Stickney explained that Andrew DeMore requested that his application be withdrawn without prejudice and submitted his request in writing.

Mr. Harnais called for a Motion to withdraw the application.

Ms. McDonald made the Motion to withdraw the application without prejudice; seconded by Mr. Reynolds

**Vote: 5:0:0**

**Discussion and Vote on Amendment to Local Historic District**

Ms. Stickney addressed the Board; she explained that the Board previously recommended and approval for the amendment to the local historic district. The version of the bylaw was not the most current since the "Transition Committee" had submitted a revised version.

In the current version of the bylaw, she requested favorable recommendation to the Council to amend the bylaw to include the Gallivan House and the Mary Bean Park and correct some other references in the text.

Mr. Harnais called for a Motion for favorable vote recommending approval to the Town Council.

Ms. McDonald made a Motion for favorable recommendation to the Town Council; seconded by Mr. Reynolds.

**Vote: 5:0:0**

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

Mr. Reynolds made a Motion to adjourn; seconded by Mr. Eng.

**Vote: 5:0:0**

The meeting adjourned at 10:15 P.M.

Respectfully Submitted by,  
Elizabeth Schaffer