



Department of Planning and Community Development

Melissa M. Santucci, Principal Planner
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Joseph C. Sullivan
Mayor

PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Member
Darryl Mikami, Member

APPROVED

Braintree Planning Board
July 13, 2010
Town Hall

Present:

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Clerk
Darryl Mikami

Christine Stickney, Director
Melissa Santucci, Principal Planner

The Chair called the meeting to order at 7:00 P.M. and called the roll: Mr. Mikami, Mr. Eng, Mr. Reynolds, Mr. Harnais all present.

New/Old Business

Zoning Board of Appeal - July

For details please see staff reports.

206 Allen Street/Barrett-Hoard

The applicants addressed the Board and explained their request for a variance. They propose a 3' x 20' addition to correct interior space problems [squaring off a small bedroom, making a tiny closet functional and adding a coat closet and increasing a bump-out in the kitchen to accommodate seating four at the kitchen table. This will improve the functionality and livability of their home.

Mr. Eng asked about the kitchen bump-out. Mr. Barrett responded that the previous owner assured him that it had been properly permitted by the Town. Mr. Eng said he would like to see the ZBA records to ensure that the bump-out was legally constructed.

Mr. Mikami asked if neighbors were aware of the proposal and if they had any issues. Mr. Barrett informed the Board that he owns one abutting property, the one to the rear is vacant and the rail tracks are across the street. The only abutter had no problem with the proposal.

Mr. Reynolds asked if the applicants understood the setback issue [no] and explained the issue to them. He added he would appreciate records on the bump-out.

Mr. Harnais informed the applicants that neither exterior appearance nor interior functionality of the house matters to the Board, it is the Ordinance which governs the actions of the Board. In this instance the Board must understand the hardship and why deviation from the Ordinance is warranted. He added that the Planning Board's role is only to provide a recommendation to the ZBA and that he would like to see the applicants request a continuance and reappear at the Board's next meeting to continue the discussion. Mr. Barrett assured the Board that they wished to do things right, adding that they wish to stay in their home and improve the property, which is in a struggling area.

Motion by Mr. Reynolds, second by Mr. Eng to continue this discussion to the August 10, 2010 meeting.

Vote: 4/0

16 Myrtle Street/Liberty Realty Development

Attorney Carl Johnson was present to represent the applicant who had been denied a Building Permit to construct a 2½ story home at 16 Myrtle Street. Attorney Johnson informed the Board that property at 22 Myrtle Street had been subdivided in 2008 at which time the ZBA issued a Finding and granted the requested relief for the creation of two undersized lots.

Mr. Harnais asked if the applicant had a copy of the 2008 application [yes] and noted that the application included no mention of the size or the number of stories of a possible proposed future dwelling on the lot in question [Lot 1].

Motion by Mr. Reynolds, second by Mr. Eng to forward a favorable recommendation to the ZBA based on staff's analysis and on the record.

Vote: 4/0

86 Alfred Road/N. Khan

Mr. and Mrs. Khan were present and told the Board that they wished to add a second story to their home. Ms. Stickney added that it would be an addition on the existing footprint of their home.

Motion by Mr. Reynolds, second by Mr. Eng to forward a favorable recommendation to the ZBA.

Vote: 4/0

250 Granite Street/Barlo Signs [for the 99 Restaurant]

Tim Sullivan of Barlo Signs addressed the Board. Brian Donovan, Manager of the 99 Restaurant, was also present. Mr. Sullivan informed the Board that the "99" is in the process of rebranding and has a new logo. They propose to remove the two 75 SF signs and replace them with two 32 SF signs, cutting the total signage in half. In addition they wish to add a 9 SF disk with their logo which would project off the building and be visible to approaching vehicles.

Mr. Eng asked about illumination [none]

Mr. Mikami asked about signage in other towns and mentioned that the proposed sign would include the words, "great drink." Regarding the question of illumination, Mr. Sullivan stated that Simon Properties does not allow illumination. The illuminating element will be covered.

Mr. Reynolds asked how large the "great drink" wording would be [8" high, not as big as the word, "Pub" on the existing sign.

There was some discussion about the lighting of the sign.

Motion by Mr. Eng to forward a recommendation to the ZBA for favorable action.

Mr. Reynolds wished to amend the motion to include that the sign should contain no neon element.

Mr. Mikami returned to the use of "great drink" on the sign and asked, "If the letters are not very large, why use them at all?" He would like to reserve a decision on the "tag lines" until the Board hears from other applicants to make sure the Board would be consistent in their recommendations.

Mr. Eng withdrew his motion.

Motion by Mr. Mikami, second by Mr. Reynolds to recommend the ZBA grant the variance stipulating no neon lighting and a temporary withholding of the "tag line" ["great drinking"].

Vote: 4/0

60 Edgehill Road/McKenna

The applicant did not attend the meeting.

Motion by Mr. Reynolds, second by Mr. Eng to recommend that the ZBA deny the petitioners' request for variance and that the ZBA be made aware of the fact the applicant did not reappear before the Planning Board as they had agreed to do during June 8th meeting.

Vote: 4/0

435 Commercial Street/J. Ngan

The applicant was out of the country and was not able to attend the meeting.

Motion by Mr. Reynolds, second by Mr. Eng to forward a favorable recommendation to the ZBA.

Vote: 4/0

Request for Minor Modification – 1535 Washington Street/Trustees of Thayer Academy

Nate Cheal of Tetra Tech Rizzo was present to answer any questions the Board might have about the request to correct an erosion project between playing fields 1 and 2.

Page 4

Planning Board Meeting 7/13/10

Ms. Santucci said she met with Mr. Cheal and the contractor. She stated that one of the Conditions of Approval was that the construction trailers be removed from the site at the end of construction. They are still on site and are being used for storage, bathroom and first aid facilities. They are unsightly and must go.

Mr. Reynolds wants the applicant to work with the Building Division about their issues.

Bob Daylor of Tetra Tech Rizzo and a Trustee of Thayer Academy wished to respond to the trailer issue. The ones on site now are not the construction trailers [which were removed from the site]. They have permits for the ramps and stairs and the trailers themselves were installed with Building Permits. [Ms. Santucci is not aware of any permit issued for their installation and use.] Mr. Daylor stated that they wish to do the work in August to correct the erosion problem before seasonal use of the fields. [Ms. Santucci asked if the Planning Board did approve a minor modification, would the Inspector of Buildings issue a Building Permit.]

Motion by Mr. Eng, second by Mr. Mikami to approve the request for minor modification.

Vote: 4/0

Mr. Mikami wants a firm date by which the applicant responds to the issues raised. Mr. Daylor stated he would have the information on the trailers to the Board within two weeks.

Request for As-Built Approval – 250 Granite Street/Braintree Property Associates, L.P.

Attorney Carl Johnson was present to represent the applicant and asked that the Board accept the Operation and Maintenance Plan for the most recent mall expansion [08-3], grant As-Built Approval with Surviving Conditions and release two bonds which the Board is holding [\$335,000 Performance Bond and \$60,000 bond for landscaping].

Mr. Eng asked if the applicant had provided everything to staff's satisfaction [yes].

Motion by Mr. Eng, second by Mr. Reynolds to release the \$335,000 and \$60,000 bonds, to grant As-Built Approval with Surviving Conditions and to accept the Operation and Maintenance Plan.

Vote: 4/0

Motion by Mr. Eng, second by Mr. Reynolds to adjourn at 10:30 P.M.

Vote: 4/0

Respectfully submitted,

Linda Raiss



Department of Planning and Community Development

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PLANNING BOARD

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Braintree Planning Board
July 13, 2010
Town Hall

Public Hearing at 7:45 P.M.

Present:

Robert Harnais, Chair	Christine Stickney, Director
Joseph Reynolds, Vice Chair	Melissa Santucci, Principal Planner
James Eng, Clerk	
Darryl Mikami	

Elmlawn Road Extension [Assessors' Plan 2072, Plots 60-67]/Elmlawn LLC

Application for Definitive Subdivision Approval

The Chair opened the continued public hearing.

Paul Brodmerkle of Site Design Professionals was present to represent the applicant. He noted that the applicant had revised the plan taking into consideration the comments of Town Engineer and the D.P.W. He reviewed the nine sheets of revised plans with the Board.

Mr. Eng asked Mr. Brodmerkle if he had submitted the catalogue cut for the stormwater management system [No, but he had brought one with him.]

Mr. Mikami asked if there were any outstanding issues with the neighbors [no], if the number of trees to be planted had been determined [No, the applicant will be before the Conservation Commission in this regard on 8/15/10.], and if all protections were in place for controlling runoff [yes].

Noting that the Conservation Commission had not finalized their deliberations on this project, Ms. Santucci informed the Board that the Commission's decision should not impact the Planning Board decision. She reminded them of the need to vote on one waiver request and informed the applicant she had met with B.E.L.D. staff that afternoon. B.E.L.D. has regulations requiring all new utility work to be installed underground. The plans contain too many overhead wires. She also mentioned that Abutters Smith had requested screening at an earlier meeting.

Mr. Reynolds thanked the applicant on behalf of the neighbors and asked about both the soil testing and dust control [addressed in the draft conditions].

Page 2
Planning Board Meeting 7/13/10
Public Hearing @ 7:45 P.M.

Mr. Eng noted that he has one issue with the CULTEC system: it has only a 10-year limited warranty. He is looking for a longer timeframe. Mr. Brodmerkle responded that the system has an "unlimited useful life." Mr. Eng would like the applicant to submit performance records on systems installed throughout the country, which the applicant agreed to submit.

The Chair asked for comment from those in attendance. [none]

The Chair asked for a motion to accept the summary of correspondence.

Motion by Mr. Eng, second by Mr. Reynolds to accept the correspondence summary from April 15, 2010 to July 13, 2010.

Vote: 4/0

The Board voted on the following waiver request for relief from the Design Criteria of the Rules and Regulations Governing the Subdivision of Land:

Motion by Mr. Reynolds, second by Mr. Eng to waive the required buffer of existing vegetation between the proposed drainage structure and the property line from 50' to 34'. [The structure is subsurface.]

Vote: 4/0

Motion by Mr. Reynolds, second by Mr. Mikami to close the public hearing.

Vote: 4/0

Motion by Mr. Reynolds, second by Mr. Mikami to approve the project with conditions.

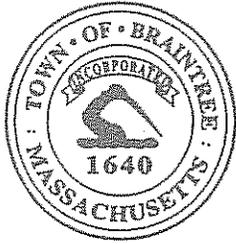
Vote: 4/0

Motion by Mr. Eng, second by Mr. Reynolds to

Vote: 4/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
July 13, 2010
Town Hall

Public Hearing at 7:30 P.M.

Present:

Robert Harnais, Chair	Christine Stickney, Stickney
Joseph Reynolds, Vice Chair	Melissa Santucci, Principal Planner
James Eng	
Darryl Mikami	

250 Granite Street/Dave & Buster's of Massachusetts, Inc. Application for Special Permits and Site Plan Review

The Chair opened the continued public hearing.

Attorney Andrew Upton was present to represent the applicant. Patrick Fitzgerald, Regional Manager, James Brussow, National Director of Security, Joseph Vajda of Aria Group Architects, Inc., Michael Hall from Tetra Tech Rizzo and Brian Dundon of RJO'Connell were also in attendance.

Attorney Upton stated that the Town Council had taken a vote on June 15, 2010 to approve a new ordinance regulating amusement devices [Chapter 5.400] and noted it included a provision for the licensing of an establishment to have amusement devices as an accessory use. The area designated for the devices may not be more than 49% of the total square footage of the licensed establishment. He provided background on Dave & Buster's, repeating much of what was stated at earlier meetings. He stated it is a model for other restaurants.

Mr. Brussow gave an overview of security measures undertaken at existing Dave & Buster's locations and repeated earlier presentations.

Mr. Vajda described the exterior design [accessible ramps, rear emergency exits and relocation of the "tower"] and showed proposed plans of the interior.

Page 2

Planning Board Meeting 7/13/10

Public Hearing @ 7:30 P.M.

Mr. Dundon informed the Board that there will be no increase in the building's square footage, that the mezzanine will be 6,009 SF and that 7,218 parking spaces will be provided at the mall, in excess of the required 7,202 parking spaces. He described the changes to utilities [5,000 gallon grease trap and electrical transformer upgrade]. The applicant has yet to hear from the Water and Sewer Division of the D.P.W., but have an Order of Conditions from the Conservation Commission. The fact that they will be providing a 2,000 SF landscaped area will reduce impervious surface on the mall site.

Mr. Hall presented information on trip generation at Dave & Buster's in Providence, Granite Street characteristics [traffic] and compared traffic counts from Circuit City [ITE counts] and those anticipated at the proposed Dave & Buster's. He emphasized that the peak hour for D&B [8:30 P.M. – 9:30 P.M.] is later than other retailers on Granite Street where the peak hours are between 4:30 P.M. and 6:30 P.M. and 3 P.M. to 4 P.M. on Saturdays. He stated there will be barely any impact to the corridor because of the late peak and used graphs to illustrate his point.

The Chair asked for comment from the public.

Linda Kopkind, 78 Acorn Street, addressed the Board with her concerns about crime [The area already has problems of this kind from the mall's parking areas.] and the fact the large facility will be a magnet for crime in the evenings. She had visited the Providence facility and noted that the predominant age group represented was the 15 to 35 crowd who hang out nearly all day at the games. As a resident she does not see any positive aspects to the project. She asked if drinks could be brought into the game room and how late the establishment would be open. She concluded that she felt that D&B would be an overall drain on Town services.

Bob Campbell, 38 Fallon Circle, [President of the Granite Park Association] expressed his feeling that should D&B be permitted conditions for the neighbors should not be worse than they are now. Mitigation will be very important.

Alan Flowers, 48 Fallon Circle, asked the Board to deny the application. The proposal will be a disaster for Braintree. He read from sheets which he provided to the Board for the record. He feels the proposed D&B is incompatible "with land use in the town under the Zoning Bylaw" [crime, out of character with the Mayor's emphasis on the Town's quality of life, a Councilor's survey which concluded that the residents do not wish this use, high water usage and traffic]. He added that D&B would be a bad neighbor and provided documentation in support of his contention. In addition, he provided a list of mitigation which he feels would reduce the negative impact of the establishment [including 10 P.M. closing, having the game room partitioned off from the dining area, signage regarding consumption of alcoholic beverages, no exterior loudspeakers, periodic review of compliance with Planning Board conditions, change in ownership triggering a new permit].

Bernie Cook, 80 Fallon Circle, noted that the bar has 100 seats and asked for protection for the neighborhood.

Bill Devine, Granite Park resident, spoke about the problem of security, noting that the Town picks up the tab for every infraction out of the establishment. The fact that the building is a "stand alone" with a large parking lot may result in "drug trade" on site. The best resolution is complete coverage of the parking areas with cameras and lighting. He also stated that the Town should have access to D&B's security tapes. Concluding, he stated that this project "will hang around the neck of the Mayor like an albatross."

Alice O'Brien, 370 West Street, wished the Board to know that she had visited a Dave & Buster's and found it to be a nice family restaurant.

Charles Kokoros, District 1 Councilor, addressed the Board noting the need for internal security, fire protection and police details to protect the surrounding neighborhoods. There are already issues and he feels a police presence would be a deterrent to crime. Message: "Keep the Bad Guys Out."

Mr. Mikami asked about signage [yet to be designed]. Mr. Aria stated that all signage would be in compliance with Town regulations. Mr. Mikami encouraged Dave & Buster's to be forthcoming with information. The sooner the Board gets what it requests, the sooner they can evaluate the information. He followed up on an earlier comment about a change in ownership of Dave & Buster's. Attorney Upton responded that new owners were sought to fund upgrades and expansion of the business. Both Steve King [CEO] and Starla Johnson have kept an ownership stake in the business.

Mr. Eng asked about the hours of operation: 11 A.M. to 11 P.M. or midnight and on Fridays and Saturdays 11 A.M. to 1 A.M. [The Providence D&B closes at midnight and 1 A.M.] He also inquired about incidents of drunkenness at the Providence site [few issues – no arrests at all]. Attorney Upton read a letter from Providence Police Sgt. M. Martinez which reflected well on Dave & Buster's and the relationship between the police department and the establishment. Mr. Eng then mentioned that snow from the mall is stored in the parking area of the former Circuit City site and asked how the parking will be maintained during heavy snow events. He does not want a lack of parking to result in patrons parking in the neighborhoods. Judy Tullius, Mall Manager, stated that the Operation and Maintenance Plan for the South Shore Plaza spells out how snow is to be stored. During heavy snow events snow is to be trucked off site.

Mr. Reynolds asked about the requirement that no more than 49% of the square footage may be dedicated to the game room. The applicant assured the Board that the game room area will be well within the required 49%. Mr. Reynolds then asked if the function rooms were a big part of the business [yes] and how large the rooms are and what percentage of revenue comes from functions [15% - 20%]. There are two 72 seat areas with a movable partition, which can open to

Page 4
Planning Board Meeting 7/13/10
Public Hearing @ 7:30 P.M.

144 seats; there is an additional room which can hold 25-30 guests. This is a larger facility like the new ones in Indiana and Wisconsin. He concluded by asking if any new data had been submitted since March [no]. He would like a future discussion on the fiscal impact report.

Mr. Mikami asked about the extent of security camera coverage. Would coverage include the entire parking lot? Although the applicant proposes "above average coverage," they have not submitted a plan to the Board. He asked if D&B had counts of the numbers reflecting minors vs. adult patrons [no]. It is the intention of D&B's to have minors accompanied by adults.

Mr. Campbell mentioned to the Board how disruptive it is for Granite Park residents when snow is removed at night.

Ms. Santucci asked for an accurate count of seats, as what had been mentioned that evening did not add up to 581 seats, and if the floor plan were accurate [yes].

Mr. Devine suggested that the Board ask D&B to produce statistics for their other stand alone operations relative to problems encountered. He also asked that the Board inquire of the Town's Police Chief about the number of arrests at the mall and how much time officers spend in court on these arrests.

Mr. Harnais stated that he wished those in attendance to understand that the issues of alcohol and games were under the jurisdiction of the Board of Licenses and Inspections and not the Planning Board. He asked how many games the establishment proposed [150 – 160].

Motion by Mr. Reynolds, second by Mr. Eng to continue the hearing to August 31, 2010 at 7 P.M.

Vote: 4/0

Ms. Santucci reminded everyone that all materials to be considered by the Planning Board at that meeting must be submitted to the Department by August 18th.

Respectfully submitted,

Linda Raiss