



## Department of Planning and Community Development

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Joseph C. Sullivan  
Mayor

### PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
Linda Cusick Woodman, Clerk  
James Eng, Member  
Darryl Mikami, Member

Braintree Planning Board  
February 9, 2010  
Town Hall

**APPROVED**

#### Present:

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

The Chair called the meeting to order at 7:10 P.M. and called the roll: Mr. Reynolds, Ms. Cusick Woodman, Mr. Eng, Mr. Mikami, Mr. Harnais all present.

#### **New/Old Business**

##### Zoning Board of Appeal - February

*For details please see Ms. Santucci's staff report dated February 9, 2010.*

##### *40 Campanelli Drive and 60-80 Campanelli Drive/AMB Property LP*

##### *Application to the ZBA and Application to the Planning Board for a Preliminary Plan*

The applicant was represented by Attorney Frank Marinelli, who was accompanied by David Kelly [engineer] and Greydie Sargent of AMB Property LP.

Attorney Marinelli gave a combined presentation for both the Zoning Board of Appeal application and the application to the Planning Board for comment on a Preliminary Plan for a three-lot subdivision.

Regarding the Zoning Board of Appeal application: The applicant is seeking variances and/or relief to permit removal of a portion of the existing building at 60-80 Campanelli Drive, to create two smaller buildings and to create a three-lot subdivision rendering the lots less non-conforming. The existing building consists of approximately 300,000 SF and the reconfiguration will reduce that by approximately 76,000 SF.

Attorney Marinelli pointed out that the proposed cul-de-sac and building reduction will greatly improve the current lot coverage of 93% and will increase the open space to 10%-12%. All required parking will be provided.

Mr. Kelly spoke of the need for waivers from the Subdivision Rules and Regulations to create a subdivision roadway providing access to the rear lots. The following would be proposed: right-of-way width at 40', curb to curb at 30', sloped granite curbing to match curbing on Campanelli Drive and provide easier maneuverability, no sidewalks as there is none in the Campanelli Business Park, 5' grass strip to include curbing, utilities outside the right-of-way [to accommodate existing conditions] with the creation of cross easements to allow full use of utilities, elimination of the low point at intersection of proposed road with Campanelli Drive as they cannot regrade without going on to the abutter's property, cul-de-sac diameter proposed to be 100' and pavement diameter proposed at 96', no radius at street sideline or at curb as they do not control the abutting property. Mr. Kelly concluded that the variances are necessary to redevelop the non-conforming properties.

Mr. Eng questioned why the applicant wished to reduce the size of the building, whether it would create more pedestrian traffic and noted his concern that the waivers would change the whole configuration of the site. Mr. Kelly responded that the change in building configuration was to make the site work better for the tenants and to provide improved circulation and access to the loading bays. The applicant does not anticipate increased pedestrian traffic. He added that the Police and Fire Departments have reacted favorably to the proposal. Mr. Eng then asked about the uses of the proposed buildings.

Mr. Sargent stated that the rear building would be industrial [with second floor removed] and the tenant space in the front building would be renovated for light manufacturing with a possible office component. He noted that the center slot [to be removed] has been unleaseable and vacant for six years. The original building was constructed for Stop & Shop.

Ms. Cusick Woodman asked who the current tenants are [Brewster Wallpaper and Stop & Shop] and if they were reconstructing on spec. Mr. Sargent responded that his company is in business to make money and they would not make the financial commitment to reconstruct the building[s] if they were not confident that they could find tenants.

Mr. Mikami asked about shared access for trucks and if the properties' assessments would be on three parcels, instead of the two as currently configured. [yes]

Referring to the ZBA application, Mr. Reynolds stated he was satisfied that the safety issues were addressed and noted that the applicant would be returning to the Planning Board with an application for subdivision approval.

The Chair asked for a motion on the ZBA application.

Motion by Mr. Reynolds, second by Ms. Cusick Woodman to recommend that the ZBA vote favorably on the application.

Vote: 5/0'

Ms. Santucci stated that the alterations are a zoning matter and the eventual request for waivers will be considered during the subdivision approval process. She added that the proposed redevelopment of the properties in a Commercial zone and in the Watershed Overlay District are a benefit to the Town, resulting in improved circulation, parking, access, loading areas and curb appeal. The plan makes sense, although some items are unclear in concept. These can be worked through during the subdivision approval process.

Mr. Harnais stated he feels the proposed redevelopment is the type needed in Braintree.

Motion by Mr. Reynolds, second by Ms. Cusick Woodman to accept the Preliminary Plan in concept.

Vote: 5/0

*15 Carter Road/Canon Land Development – Zoning Board of Appeal Application*

The applicant was represented by Attorney Frank Marinelli who explained to the Board the applicant's desire to tear down the existing structure and replace it with a new single family dwelling which complies with the setback requirements. He feels it will be an improvement for the neighborhood. The applicant, a contractor himself, has estimated that the required renovations to the existing structure [to bring it up to code] would cost approximately \$112,000.

Mr. Eng knows the area and agrees that the proposal would be a huge improvement to the existing conditions. The Town will benefit from the increase in property value.

Motion by Ms. Cusick Woodman, second by Mr. Eng to recommend favorable action to the ZBA.

Vote: 5/0

Request for Lot Release and Posting of Surety – Whites Hill/O.I.B.

To be considered at a future meeting

Approval of Minutes for January 12, 2010

Motion by Mr. Reynolds, second by Mr. Eng to approve the minutes of 1/12/10

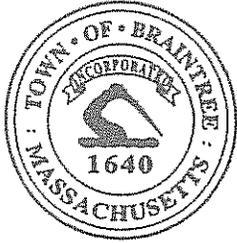
Vote: 5/0

Motion by Mr. Eng, second by Mr. Mikami to adjourn at 9:30 P.M.

Vote: 5/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board  
February 9, 2010  
Town Hall

#### Public Hearing at 7:30 P.M.

Present:

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

#### 250 Granite Street/Dave & Buster's of Massachusetts, Inc.

#### Application for Special Permits and Site Plan Review

*For details please see Ms. Santucci's staff report dated 2/5/10.*

The Chair opened the public hearing and read the legal notice.

Attorney Andrew Upton was present to represent the applicant. He introduced Dave & Buster's team: Patrick Fitzgerald, Regional Manager, Fred Henninghausen, Senior Director of Development and Construction, Ed Forler, Vice President of Operations and New Stores and James Brussow, National Director of Security. Also in attendance were Mark O'Henley, Project Manager, Akila Thamizharasan from Tetra Tech Rizzo and Brian Dundon from RJO'Connell & Associates, Inc.

Attorney Upton described Dave & Buster's as a reasonably priced restaurant and entertainment center founded in 1982. They propose to renovate the former Circuit City building into a 35,000 SF restaurant/bar with dozens of games in the midway arcade. The ten million dollar renovation will create 150 new jobs, with Braintree residents given preference for employment. Attorney Upton began by addressing security issues and alcohol control. He stated that all employees interacting with "guests" complete "serve safe training." Dave & Buster's participates in the "Bars Program," which sends individuals to the restaurant to test employees' compliance with the laws governing the serving of alcohol [If an employee fails, he/she is disciplined and all employees are retrained.]. An ID must be shown for each alcoholic beverage served – 3 drinks/3 IDs. Food is served through closing. 80 proof alcohol is no longer served. There is no dancing, DJ or live band and they have a dress code

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Attorney Upton also informed the Board that 50% of their revenue comes from games, 25%-30% from food and only 15% from alcohol, whereas more than 30% of revenue at restaurants like The Cheesecake Factory and P.F. Chang's is from alcohol sales. Because security is paramount for Dave & Buster's, Mr. Russo met with representatives of the Police Department in October to discuss having officers on duty. Attorney Upton also stressed that Dave & Buster's focuses on community involvement, will hire union labor [IBEW and others] and that some employees earn over \$1,000/week.

Mr. Brussow introduced himself and provided information on his background. He has been in security for twenty-two years and since 2001 in restaurant security. He informed the Board that they will have twenty or more cameras to monitor activities in the building and explained that the dress code is tailored to each location.

Mr. Fitzgerald noted that the maximum number of underage guests who may be accompanied by one adult is six.

Mr. O'Henley spoke about the exterior and interior building changes: They will use the existing footprint, remove the Circuit City tower and center the entry. He added that they will gut and remodel the interior and will accommodate private dining on the mezzanine.

Mr. Dundon mentioned issues under the jurisdiction of the Conservation Commission [wetlands, Braintree Dam] in addition to the OSC zoning and the 100' buffer], noting that a Notice of Intent had been filed with the Commission. He added that a building appendage on the south side of the building would be removed and a similarly sized appendage would be added on the east side for a loading area. He addressed the parking requirement which is incorporated into the larger South Shore Plaza's parking requirement [set at 4.5 spaces per 1,000 GLA during the Nordstrom hearing process]. Dave & Buster's has 27,000 SF of floor area and 6,000 SF in the mezzanine. When Nordstrom was permitted [Planning Board file 08-3], more GLA was permitted than actually constructed [7,000 SF less]. Therefore, the 33,000 GLA for Dave & Buster's results in "no net change" for the parking calculations at the Plaza. Utility upgrades are required: the transformer is undersized for the anticipated activities and BELD has approved a new transformer to be installed at the rear of the building. Gas and telephone services will remain as they are. Additional external grease traps will be installed [2 at 6,000 gallon capacity]. The front sidewalk will be rebuilt and landscaping increased. There will be no changes to the building's entry points, the 571 parking spaces and the lighting. This reconstruction/renovation will result in a decrease of approximately 2,000 SF of impervious surface. Dave & Buster's appears before the Planning Board under the Zoning Bylaw for a change in use from retail to amusement, for the addition of the loading area in the Buffer and for a Site Plan Review.

The Chair opened the hearing to comment from the audience.

Mike Ford was present to represent the Braintree Business Council. He stated he was in favor of the application as Dave & Buster's are "good corporate citizens" with a philosophy of community involvement. The ten million dollar renovation will bring income to the Town and create 150 jobs.

Charles Kokoros, District 1 Councilor, informed the Board that he had organized a meeting with representatives from Dave & Buster's the previous Thursday evening and invited the civic associations from North Braintree and Granite Park. One issue of great concern was that Dave & Buster's is a destination which will bring people from outside the community. Granite Park is no place for out-of-town drug dealers and security in that neighborhood is paramount. He noted that Dave & Buster's should provide the following: two detail officers inside the building during peak evening hours [Thursday through Sunday 8:30 P.M. to 1:30 A.M.; a patrol officer in the parking lot and a patrol officer in Granite Park [Thursday through Sunday]; firefighters on detail to ensure that exits are not blocked; a cruiser [with all safety equipment, including a license plate recognition unit]. He added that he has heard that Dave & Buster's profile [family establishment where hoodies and work boots are not allowed] is accurate, but also the contrary and he, himself, is not in favor or opposed to the proposal. He will visit the Providence facility within the next week. In addition, he has asked that Dave & Buster's reach out to the Flaherty School administration and PTO.

Steven Kelly, Granite Park resident, spoke of the neighborhood's concerns regarding the crowd that Dave & Buster's will attract and about the possibility that internal security efforts will push undesirable activity to the parking lot and then off site, perhaps to their neighborhood across the street. He expressed the concerns of the neighbors about the shootings which have taken place, the current drug activity, the reduced police presence. He added that at times the neighbors must approach drug dealers to tell them to move on from in front of their homes, creating a certain level of anxiety about their own personal safety. He mentioned the scale of the project and that on the peak evenings [Thursday – Sunday] in excess of 500 people can be expected which will cause a huge influx of traffic through the neighborhood. The neighborhood wants to make sure that adequate mitigation funds are provided for increased police presence in Granite Park.

Jim Glynn, Granite Park resident, questioned the business model of Dave & Buster's and the different demographic that the gaming activity attracts. When he came forward a second time he mentioned that Dave & Buster's having police details inside their establishments means they are not like Barnes & Noble and other restaurants in the Town. Dave & Buster's should provide funding to add police presence in the neighborhood.

Chris Griffin, Hollingsworth Avenue, spoke in favor of the proposal. He does not see traffic as a problem and stated that the residents should not anticipate trouble. Dave & Buster's attracts young professionals.

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Mr. Kokoros spoke for a second time, noting that the Police Department will be patrolling the neighborhood – at the expense of Dave & Buster’s - and reiterated his previous points. He said he would propose that a commitment for the police presence be for at least a year after which it could be reconsidered by the Police Chief and residents to determine if it is working. He added that the Town Council will consider and vote on an ordinance allowing the proposed gaming use.

Tom Bowes, District 3 Councilor and member of the Council’s Committee on Public Safety, stated that he is “all for the proposal,” noting, though, that the residents are “owed protection.”

The Chair then opened the hearing for questions/comments from the Planning Board.

Mr. Eng questioned the conclusion of the traffic report that during the peak hour Dave & Buster’s will generate fewer trips than the previous tenant, Circuit City. Ms. Thamizharasan informed the Board that the “definition” of peak hour is from 4 P.M. to 6 P.M. and that many fewer trips are generated by Dave & Buster’s between those hours. She explained the ITE classification of Circuit City as an “electronic superstore” and how she arrived at the trip generation for Dave & Buster’s, whose activity is not included in the ITE manual. Actual trip counts were taken at three Dave & Buster’s [Illinois, Minnesota, Michigan]. Mr. Eng still has concern about the numbers and their accuracy. He feels they are very low for the capacity of the facility and wants more accurate numbers before the next hearing.

Ms. Cusick Woodman stated that the Town’s Bylaw currently has a four-game limit for any establishment. She asked rhetorically, “What are we doing?” and stated she feels the community is putting the proverbial cart before the horse. She has been to the Providence Dave & Buster’s and expressed grave concern with the number and kind of machines/games offered. She added that she saw lots of individuals who appeared under 20 years old at machines playing what looked to her like terrorist games and gambling [horse racing]. They had tickets and were feeding them into the game machines.

Mr. Kokoros stated that eventually the proposed ordinance [governing this activity] will come before the Town Council. The Licensing Board has already transferred a liquor license to Dave & Buster’s. Tonight he is appearing before the Planning Board to share with the members the concerns which were expressed at the neighborhood meeting. His intention is to be pro-active and let the Board know beforehand what they will be looking for in terms of mitigation.

Ms. Cusick Woodman continued by stating that she saw no police presence the Thursday evening she was at the Providence establishment and she can imagine more than 1200 people at the proposed Dave & Buster’s on a Saturday night. She has never heard of an establishment with a liquor license having no private security. It is her opinion that the “amusement” activity is a form of gambling. Changing the Bylaw to accommodate Dave & Buster’s “opens the floodgates” to individuals wishing to open “gaming rooms” [more than four game machines],

which are now prohibited by the Bylaw. She thinks Dave & Buster's is a "carnival arcade under a roof" and said their gift room recalls the atmosphere at Nantasket. The gaming activity sends the wrong message, and looks like gambling in disguise. Talk of gangs and security is cause for alarm, especially since the current problems are too much for the police.

Regarding the current problems, Mr. Kokoros "couldn't agree more." He began to mention the ordinance and the Chair noted that this was not the venue for that discussion.

Mr. Mikami stated he is in agreement with Ms. Cusick Woodman and that it would be good to have guidance from the Council regarding the ordinance. It is obvious the Planning Board is capable of determining mitigation, but he would like to hear from the Council directly about the direction the Council will be going relative to the amusement ordinance. He agreed with Mr. Eng regarding the traffic statistics and asked the following questions:

- Will Keno be one of the games? No
- How does Dave & Buster's handle week-end situations when there are more than 500 patrons? Mr. Fitzgerald responded that when they reach occupancy limits they have the patrons form a line, but those occasions "are few and far between."
- Why are there no facilities in New England, other than Providence?

Mr. Fitzgerald returned to the traffic statistics, noting that the peak traffic time is between 4 P.M. and 6 P.M., which are not peak hours for Dave & Buster's.

- Dave & Buster's profile indicates that 44% of the business is gambling. Are those individuals coming in before 8:30 P.M.? He asked for a rundown of business on a typical week-end night.

Mr. Fitzgerald responded that their lunchtime is from 11 A.M. – 1 P.M. and consists of corporate clientele; happy hour is from 4 P.M. – 7 P.M. [although probably not in Braintree]; Saturday/Sunday prior to 8 P.M. is primarily family business; and after 8 P.M. the mature clientele.

Mr. Reynolds began by thanking everyone for the presentations and comments. He stated that he was concerned with the tone of alarm voiced during the hearing and noted that the Board had not yet delved deeply into the proposal. He asked the Board to stand back before making precipitous judgments about Dave & Buster's gaming reaching the threshold of gambling. He feels putting the burden on one establishment [for security in Granite Park and on the Granite Street corridor] is not fair. To compare the Providence facility and the proposed facility in Braintree, he asked about size [Providence = 45,000 SF and Braintree is proposed to be 33,000 SF]. At that point Attorney Upton also added that the reason police presence in the Providence Dave & Buster's was not apparent on a Thursday night is that agreement with city officials places police presence there only on Friday and Saturday nights.

Mr. Reynolds would like to have Dave & Buster's provide statistics from like sites [stand alone building in a Highway Business zone] and more information on the traffic and trip generation. This is just the first step in the process and he would like everyone to step back and not jump to conclusions about this proposal.

Mr. Harnais mentioned the fact that young people go to the Plaza without the intention of spending money and just hang around with their friends. He asked what Dave & Buster's does when people are not spending money and just loitering in the restaurant.

Attorney Upton responded that underage folks are not allowed in without an adult. There is no public area in Dave & Buster's as it is a restaurant. They are a successful company in business to make money. If gangs of kids, or even just a few, would make trouble or be wearing clothing which signifies an affiliation, that group makes families/couples uncomfortable [and would negatively impact their business]. Dave & Buster's cannot allow disruptive behavior.

Mr. Forler also stated that they cannot allow loitering, adding that the average income of patrons is \$70,000 and the average check for a family exceeds \$100. Dave & Buster's targets sophisticated clientele.

Attorney Upton concluded by stating that they had tailored their presentation to the overarching concerns of the neighbors relative to security issues, concerns which were raised at the neighborhood meeting. The Providence facility has been in business for ten years and is popular with the community, the police and everyone who goes there.

Mr. Harnais repeated that the Board is approaching this proposal with an open mind. Their role is separate from the Town Council's deliberations on the proposed ordinance.

Motion by Mr. Eng, second by Ms. Cusick Woodman to continue the hearing to March 9, 2010 at 7:30 P.M.

Vote: 5/0

Respectfully submitted,

Linda Raiss