

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
Linda Cusick Woodman, Clerk
James Eng, Member
Darryl Mikami, Member

Braintree Planning Board
March 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 7:05 P.M. and called the roll: Mr. Reynolds, Ms. Cusick Woodman, Mr. Eng, Mr. Mikami, Mr. Harnais all present.

New/Old Business

B.E.L.D. Request for the Planning Board to Take No Jurisdiction Churchill Substation No. 8 [off Common Street]

For details please see Ms. Santucci's staff report dated 3/4/10.

Sean Murphy was present to explain the request to the Board.

Motion by Mr. Eng, second by Mr. Mikami to take no jurisdiction.

Vote: 5/0

Approval Not Required Plan – Elmlawn Road Extension/Elmlawn LLC

For details please see Ms. Santucci's staff report dated 3/4/10.

Ms. Santucci noted that this property is divided by the boundary of Quincy and Braintree and the applicant wishes to divide the lot along the boundary, with one lot in Quincy and one in Braintree. The Quincy Planning Director has endorsed the ANR plan. She further noted that the applicant intends to file a Definitive Subdivision Plan for the newly created Braintree lot.

Motion by Mr. Reynolds, second by Ms. Cusick Woodman to endorse the ANR plan.

Vote: 5/0

Zoning Board of Appeal - March

For details please see Ms. Santucci's reports.

11 Wayne Avenue/S. Fitzgerald

Mr. and Mrs. Fitzgerald addressed the Board, explaining that they wished to add a bedroom to their four bedroom ranch house. There was some discussion about the size of the proposed work [which includes the 16' x 52' addition to the rear of the home, a shed dormer, a second garage bay to the southeast of the existing dwelling and a 13' x 23' deck to the rear of the proposed garage bay].

Mr. Eng asked if the homeowners had considered reducing the size of the proposed construction in order not to require so much relief. Mr. Fitzgerald responded that there is a high water table to the left of the house. When they excavated they found water three feet down, thereby making construction at this location unfeasible.

Ms. Cusick Woodman asked if the property is in the Watershed [no].

Motion by Mr. Reynolds, second by Mr. Eng to recommend that the ZBA approve the application for variances.

Vote: 5/0

365 Shaw Street/G. Lanigan

Mr. and Mrs. Lanigan addressed the Board, informing them that they wished to construct an addition to accommodate Mrs. Lanigan's aging parents. They submitted photos to the Board. Mr. Lanigan indicated that they had spoken to all of the abutters who indicated they have no problem with the proposal.

Both Mr. Eng and Ms. Cusick Woodman questioned the size of the addition, the need for so many setbacks and the lack of hardship as defined in the Zoning Bylaw [shape, soils, topography]. It seemed a major concern was the placement of the proposed addition and the possibility of its relocation to the side of the dwelling. The homeowner responded with information about the dwelling's internal configuration. When Ms. Santucci injected into the discussion that the rear of the lot is Residence C, with a greater setback requirement than the front of the lot [Residence B], the homeowners were very surprised. Extensive discussion ensued among the Board members and the applicant and his wife, the Board continuing to have concerns about the intensity of the lot coverage and the amount of relief required for the proposed project. Mr. Reynolds asked if any other abutters were as close to the street as their home is [yes] and expressed his opinion that the Lanigans are creating their own hardship. Ms. Cusick Woodman asked how many stories the house has and if it would not be possible to create a second story. Mr. Lanigan said the original house is two stories and the addition is one. However, he cannot go up on the addition because of ceiling height requirements.

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Motion by Mr. Reynolds, second by Mr. Eng to forward no recommendation to the ZBA in order not to prejudice the ZBA. Mr. Reynolds would like to see a second approach.

Vote: 5/0

1681 Washington Street/M. Logan

Mr. Logan was present and explained to the Board that he had leased vacant space in the medical building and understood that his lease allowed him to replace the wording of the original sign with the name of his business. He was informed, though, by a Building Inspector that the sign was non-conforming. There was much discussion about the size of the sign and the actual measurements of the exterior wall of his leased space. He noticed that Ms. Santucci had a diagram to which she was referring and asked where it came from [his application]. He informed the Board that it was not his drawing and that he had not submitted it with his application.

Mr. Eng suggested that Mr. Logan resubmit his application with the proper dimensions indicated with his application.

Ms. Cusick Woodman asked if the sign is illuminated [yes].

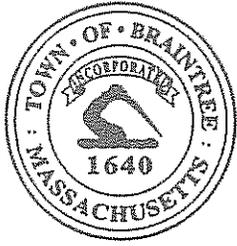
The Board took no action on this application.

Motion by Ms. Cusick Woodman, second by Mr. Eng to adjourn at 10:30 P.M.

Vote: 5/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
March 9, 2010
Town Hall

Public Hearing at 7:30 P.M.

Present:

Robert Harnais, Chair	Christine Stickney, Director
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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 continued public hearing.

Attorney Andrew Upton was present to represent the applicant. He introduced Dave & Buster's team: James Brussow, National Director of Security, and Michael Hall from Tetra Tech Rizzo. Also in attendance was Brian Dundon from RJO'Connell & Associates, Inc.

Attorney Upton repeated some of his background presentation from the February 9, 2010 meeting. He then informed the Board that this evening they will be focusing on traffic and security, issues that seemed most important to the Board last month. He introduced Michael Hall, traffic engineer from Tetra Tech Rizzo.

Mr. Hall informed the Board that they had performed actual counts of patrons entering and exiting Providence Place, where they have another Dave & Buster's, between Thursday, February 25th and Saturday, February 27th. These counts, when allowing for the difference in size of the two locations, indicate that there will be only a small traffic impact on the Granite Street Corridor because the peak hours on Granite Street do not coincide with the peak customer

hours at Dave & Buster's [Thursday/Friday from 8:45 P.M. to 9:45 P.M.; Saturday from 8:30 P.M. to 9:30 P.M. The analyses that Tetra Tech Rizzo has done comparing Circuit City [previous tenant] traffic counts and those of Dave & Buster's anticipated counts using ITE Land Use Code also lead to the conclusion that the proposed establishment will generate far fewer trips during the peak traffic hours on Granite Street.

Thursday	5 P.M. to 6 P.M.	Circuit City	120	<u>Dave & Buster's</u>	46
Friday	5 P.M. to 6 P.M.	Circuit City	120	<u>Dave & Buster's</u>	101
Saturday	3 P.M. to 4 P.M.	Circuit City	160	<u>Dave & Buster's</u>	152

The conclusion of all data collected and analyzed [actual counts from Providence Place pro-rated for Braintree and comparisons with Circuit City] is that there will be no significant impact to traffic along the corridor.

Attorney Upton addressed two aspects of security: the size of the restaurant and nuisance issues and crime associated with the patrons of South Shore Plaza. He emphasized that Dave & Buster's wants to be a good corporate citizen and is in business to make money as a family-friendly establishment. Although there are 581 seats in the restaurant, 168 of them are on the mezzanine reserved for functions once or twice a week. That means the 413 seats available for walk-in patrons are only 38 more than in The Cheesecake Factory also on site. Representatives of Dave & Buster's have met with the two civic associations [North Braintree and Granite Park] and are willing to increase the number of police officers hired on detail and provide the Police Department with a new cruiser as requested. He introduced Security Director James Brussow.

Mr. Brussow repeated some of the background information provided at last month's meeting and added they will have 22-23 cameras, 1 detail officer Monday through Wednesday and Sunday; two on Thursday and three on Friday and Saturday nights and a six-month review with the Police Chief and Mayor to see how the plan is working. He added information about incidents at other sites in Virginia, Indiana and Wisconsin. At those locations there has been one altercation between a patron and police officer, one of domestic violence and a number of burglaries in the parking lots.

Attorney Upton stated that the Providence location is a ten-year old model and the new model, which will be constructed in Braintree, is designed to attract upscale families.

At this point the Chair opened the hearing to comment from the public.

Kelly Moore, President of the North Braintree Civic Association, wished to submit a letter on behalf of the association. He read the letter which summarized their concerns [minimizing crime, monitoring the establishment inside and outside, stretching police resources, hours of operation, managing the "late revelers," traffic and Bylaw change.

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March 9, 2010 Public Hearing @ 7:30 P.M.

Bob Campbell, 38 Fallon Circle, spoke on behalf of the Granite Park Civic Association and the residents' desire to keep traffic out of Granite Park. He proposed restricting traffic exiting the Plaza after 9:30 P.M.

Bob Rizzi, representing the Business Council, emphasized the quality jobs which Dave & Buster's will bring to the area and urged approval of the project.

Alan Flowers, 48 Fallon Circle, opposes the project, noting that the Bylaw does not allow the number of games which Dave & Buster's will propose. The Planning Board conditions should follow the Bylaw.

John O'Connor stated that Dave & Buster's is committed to the Town and will be an asset to the Town of Braintree. He requested strong consideration for the application.

Patrolman Brian Cahoon, President of the Braintree Patrolman's Club, appeared before the Board and stated he has visited the Providence establishment. He feels that Dave & Buster's proposal adequately addresses issues of concern to the Police Department. He is in support of the application, but urged the Board to include a condition for a one-year review.

Maria Mendez addressed the Board and identified herself as a former employee in the Providence establishment as well as a patron. She is now a mother who lives locally and would like to bring her family to a Dave & Buster's in Braintree rather than travel all the way to Providence. Ms. Mendez stated Dave & Buster's is a reliable business that works with the community, will provide jobs for local residents, has a family ambiance and brings in other businesses.

Harry Brett, 104 Academy Street and Business Agent for Local No. 12 [Plumbers and Gasfitters], stated that Dave & Buster's has made a commitment to the Town and will be an important part of the South Shore Mall's reputation as a destination mall, providing competition for other destination malls in the area.

Ed Foley, Sheetmetal Workers Local No. 17, said Dave & Buster's will not be a detriment to the area, rather it will be a benefit to the community and will provide much needed jobs to area residents.

James Turley, 7 Burton Road, used the example of the Granite Park neighborhood being traumatized in the 1960s with the construction of Ridge Arena and within a year the hosting there of a Janis Joplin concert. He has heard good things about Dave & Buster's, but works in Providence close to Providence Place and wished to note that that Dave & Buster's is not close to a residential neighborhood. He therefore feels that comparisons with Providence are irrelevant. He stated that the activities would "denigrate" the Town and asked the Board to consider what kind of community we want.

Joseph Mosillo, 19 Sampson Avenue, stated that both he and his wife are out of work. He has visited Dave & Buster's in a couple of locations and attested to the fact they run a good establishment. This is a great project which will bring jobs to Braintree and he asked that he hopes the Board takes this into consideration.

James Fay, Electricians Local No. 103, addressed the Board to encourage approval for the proposal which will bring jobs for Braintree workers and have a positive impact on families.

Charles Kokoros, District 1 Councillor, addressed the Board, noting that Dave & Buster's is working with the community on mitigation to protect the neighborhoods and has committed to hiring local residents. There has been cooperation among residents and the applicant.

The Chair opened it up to comments/questions from the Board members.

Mr. Eng requested that Mr. Hall provide copies of the ITE Land Use Codes [LUC] he has used in his traffic analyses [Shopping Center 820 and Electronics Super Store 863]. Mr. Hall has copies with him tonight and will leave them with the Board. He noted that his counts compare actual counts with the 1990s LUC numbers, which are conservative. With competition the counts are lower. Mr. Eng asked therefore if the accuracy of the charts provided by Tetra Tech Rizzo depends on ITE accuracy [yes].

Mr. Eng followed up with questions about security. He asked about training programs, what employees do if a patron is intoxicated [If there are signs of intoxication the management is notified, an assessment made, no additional alcohol served. The patron would be allowed to stay if he/she stops drinking.] and if an intoxicated patron leaves what action Dave & Buster's would take [call a cab]. Mr. Brussow provided the previous responses.

N.B.

The February 9, 2010 minutes include Attorney Upton's remarks "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.

Mr. Mikami noted a discrepancy in the amount of money that Dave & Buster's says they invest in their establishment [from \$10 million mentioned at the earlier hearing to \$12 million tonight]. Attorney Upton responded that the estimates have been raised, now reaching \$12 million to \$14 million. Mr. Mikami asked if Dave & Buster's would have a hiring preference for Braintree residents. Attorney Upton said they would like to, but would commit only if there were a written agreement. Mr. Mikami asked how security staff is identifiable. [Mr. Brussow said the captains

wear uniforms and the details also are identifiable.] Mr. Mikami was interested in the fact that the number of cameras is above average [requested by the district's councilor]. He asked if there were a time cutoff for underage patrons. [Mr. Brussow responded that patrons must be 25 or older. Younger patrons must be accompanied by an adult [6 young people per each patron 25 or older. The captains help enforce this regulation.] Mr. Mikami asked how Dave & Buster's security works with the rest of the Plaza's security [integrated]. He asked if the mezzanine seats could be used if the lower level were at capacity. [No, it is only staffed for events.] Mr. Mikami asked for an hour-by-hour breakdown of patrons Thursday, Friday and Saturday at another similarly-sized Dave & Buster's. He stated that another applicant had been able to provide such statistic.

Mr. Reynolds stated that he was pleased with the applicant's approach to the collection of data to determine the peak hours and to the way it was presented to the Board. He asked whether ITE is the industry standard. Mr. Hall responded that it is rather industry-accepted. Mr. Reynolds is concerned about how Dave & Buster's fits in with the larger Plaza. Mr. Hall stated that the Plaza square footage does not change and there will be no change to the "historic uses" there.

Mr. Reynolds continued to address security issues and asked where all the cameras would be installed [all but one within the building, one at the employees' entrance]. He also wished to know if Dave & Buster's employees could be identified [yes] and how they could communicate [two-way radios]. He also wondered about the number of security personnel [determined by the square footage of the establishment].

The Chair requested that the applicant provide the requested documentation and responses at least ten days before the next hearing.

Regarding a six-month or one-year assessment of the success of the mitigation, Mr. Mikami asked that the Board establish specific criteria to measure the success.

Motion by Mr. Eng, second by Mr. Reynolds to continue the hearing to April 13, 2010 at 8:30 P.M.

Vote: 5/0

Respectfully submitted,

Linda Raiss



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400-432 John Mahar Highway/Pulte Braintree LLC Application for Major Modification to Planning Board Decision 04-9

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

Mark Mastroianni was present to address the Board regarding the proposed modification to the project at 400-432 Mahar Highway. He was accompanied by Mike Rosati of Marchionda & Associates, L.P., Dermot Kelly of DJK, Chris Huntress of Huntress Associates, and Reid Blute of Pulte Homes of New England LLC.

Mr. Mastroianni explained the application which Pulte Braintree LLC has submitted to modify the 2004 approval. Currently only one residential building has been constructed. Of the 24 units in the building only eleven have been sold. Noting that there has been no activity on site since 2008, he provided details on the change in the number of proposed buildings [from 12 in the original approval to 8] and the change from all units having two bedrooms to a mix of [85] one- and [233] two-bedroom units, increasing the number of units from 304 to 318. The development will be known as Jonathan's Landing, a privately-owned condominium development. He listed all of the mitigation included in the original Conditions of Approval. The developer intends to finish and market the unfinished units in the existing building and is in discussion with staff to contribute to the beautification of the surrounding areas. Full build-out of the proposed development modification is between four and five years.

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March 9, 2010 Public Hearing @ 8:00 P.M.

Mr. Blute addressed the Board and provided background information on Pulte Homes, a full service development company and publicly traded national homebuilder. He thanked the tradesmen and others for coming to the hearing and welcomes the opportunity to work with the tradesmen.

Mr. Huntress narrated a PowerPoint presentation and explained the reduced density of the proposal and the detailed landscaping.

Mr. Rosati gave a short presentation on the site's drainage.

The Chair invited comment from the public.

Sean O'Connor of the Carpenters Union who identified himself as living and working in town blasted Pulte Homes' "history" in Natick and Plymouth.

Ron DeNapoli, District 5 Councillor, stated he had had concerns about the earlier development and the negative impacts during construction. He also stated that he had concerns about the reputation of Pulte Homes, stating he had investigated the company and read many comments which were not flattering to Pulte. In addition, he had attempted to contact the company regarding a preference for hiring Braintree residents, but has had no response from the company. He mentioned his concern that changing from two-bedroom units to some one-bedroom units [not marketable to families] would alter the character of the project.

Joe Toma, 13 Sagamore Street, submitted photos to the Board and expressed his grave concerns with the runoff and drainage from the property. He stated several times the fact that an existing brook does not even appear on the plans. He lives on the lower end of the proposed modified development, is very concerned about drainage and does not believe the drainage calculations are accurate. Ever since the initial stages of the development his yard has flooded.

Chris Frisoli, 67 Sagamore Street, agrees with Mr. Toma about the drainage since the rear yards of houses along Sagamore Street have water. He also questioned whether an additional 318 dwelling units are saleable given the current state of the economy.

The Chair noted that the applicant has a number of questions to answer and would like to continue the hearing.

Motion by Mr. Reynolds, second by Ms. Cusick Woodman to continue the hearing to April 13, 2010 at 7:30 P.M.

Vote: 5/0

Respectfully submitted,
Linda Raiss