



# Department of Planning and Community Development

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Joseph C. Sullivan  
Mayor

## PLANNING BOARD

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

Braintree Planning Board  
November 13, 2012  
Town Hall – Cahill Auditorium

**APPROVED**

### Present:

Mr. Robert Harnais, Chair  
Mr. Joseph Reynolds, Vice Chair  
Mr. Darryl Mikami, Member  
Ms. Melissa McDonald, Member

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

Vice Chair, Reynolds called the meeting to order at 7:10 P.M. and called the roll: Mr. Mikami and Ms. McDonald were present; Mr. Harnais was delayed and not present for roll call. Mr. Eng was not in attendance.

Vice Chair Reynolds opened.

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

Mr. Reynolds explained that the Board will take a short recess to wait for the Chair who is running late.

### **Zoning Board of Appeal Petitions – December**

#### **ZBA #12-48 and 12-49** **250 and 265 Granite Street, Ed Scigliano (Sign A Rama)**

Mr. Scigliano addressed the Board and explained that the name “On-The-Go” was changing to “Alltown” due to change in Vendor, the reason for the signage change.

Ms. McDonald had no questions.

Mr. Mikami confirmed with Mr. Scigliano that the subject petition was for 2 signs and asked if applicant was aware of the size restriction and color?

Mr. Scigliano assured the Board that it was for 2 signs and that he was aware of the restrictions.

Mr. Reynolds asked if this was a country wide change?  
The Applicant said these were the 29<sup>th</sup> and 30<sup>th</sup> locations in the state to make this change.

Melissa Santucci Rozzi stressed to the Applicant to calculate the size of the signs in accordance with the bylaw requirement.

With no further questions, on ZBA file #12-48 and ZBA file #12-49, Mr. Mikami made a favorable recommendation to accept the signage change; seconded by Ms. McDonald.

Vote: 3:0:0

**136 Trefton Drive (Approval Not Required Subdivision Plan)**

**Joseph Correia and Kenneth Johnson, Applicants**

Melissa Santucci Rozzi briefly discussed a list of revisions and explained the Applicant submitted an ANR mylar as a follow-up to last month's ZBA case.

Ms. McDonald had no questions.

Mr. Mikami asked about the schedule to move forward with the house.

The Applicant explained that he plans to demolish the house directly after recording the Plan.

A Motion was made by Mr. Mikami for favorable approval, seconded by Ms. McDonald.

Vote: 3:0:0

**Approval of Minutes for June 12, 2012 and October 9, 2012.**

Mr. Reynolds called for the approval of Minutes for June 12, 2012 and October 9, 2012.

Mr. Mikami moved to accept the Minutes of June 12, 2012 and October 9, 2012, but for a name correction, seconded by Ms. McDonald

Vote 3:0:0

Vice Chair called a recess at 7:25 to accommodate Mr. Harnais who was unavoidably late.

Mr. Harnais arrived at 7:58 apologized for the delay and the meeting resumed.

**12-06 (Public Hearing)**

**385 Quincy Avenue, CITGO, Application for Site Plan Review – Biodiesel Tank Project**

David J. Crispin, PE, PLS, BSC Group, Inc., representative for

CITGO Petroleum Corporation, 385 Quincy Avenue, Braintree, MA

Allen J. Morris, Terminal Mgr., CITGO Petroleum Corporation, 385 Quincy Ave., Braintree, MA

Mike Leon, Counsel for CITGO Petroleum Corporation, Nutter, McClennen and Fish, LLP, Boston, MA

Allan Morris and Michael Leon summarized the issues of the October 9<sup>th</sup> Planning Board meeting.

Mr. Leon explained that biodiesel arrived on 10,000 gallon tankers and they are pumped into the tank at 3 tanks per day. The proposed 6,000 gallon tank will not affect the amount of petroleum going to or from the site because it is just blending in the tank to disburse to trucks. The site is not selling more so traffic is not expected to change due to the proposed tank.

Mr. Harnais asked Citgo if they can document or generate a report of the daily peak hour traffic to the site in one year to verify the average daily and regular peak hours for trucks entering and departing the site.

Mr. Harnais asked if Citgo will produce their November, 2012 monthly biodiesel delivery records and the records for March, April and May, prior to the tank's installation and records for the following year in order to analyze the difference.

Mr. Mikami confirmed that the total volume will not be increasing?

Mr. Leon assured the Board that there will be no increase in volume.

Mr. Mikami asked how much was delivered in November?

Mr. Allen: answered 630,000 gallons at 10,000 gallons per truck

Mr. Mikami asked if the new tank will store the same volume in one year?

Mr. Leon explained that without the new tank, more trucks are needed during heating season.

Mr. Mikami asked if the trucks are monitored daily?

Mr. Leon: answered yes, further, they will provide a report to the Planning Board, prepared by David Crispin, PE.

Mr. Mikami asked if they can average the data of every truck in and out.

Mr. Leon explained that the trucks arrive with biodiesel and leave with a mix requiring no additional truck traffic.

Mr. Reynolds confirmed that seasonal data will be available.

Mr. Allen said that Citgo will produce delivery data documenting each day and can sort the data any way they are requested.

Chair opened questions to the public.

Paul Walsh, a Braintree resident and homeowner at 27 Howard Street located in the proximity of the site; disagreed with the “picture” that Citgo presented. Mr. Walsh expressed that he has experienced trucks going through this/his residential area. Trucks are left running while drivers leave their trucks unattended to get coffee. He believes there is an increase in the number of vehicles that pass by his house. They use residential streets rather than stay on the state roads.

Mr. Harnais, addressed Mr. Walsh and agreed, saying that he too, is a resident in that area. Mr. Harnais suggested police interaction for running trucks.

Mr. Walsh said that the police only banned the trucks during school hours.

Mr. Harnais – acknowledged this and said that was a reaction to a prior lawsuit.

Mr. Walsh is concerned that they do not follow Department of Transportation Rules.

Mr. Harnais expressed to Mr. Walsh that the trucks should be cited.

Mr. Walsh opposed additional fuel deliveries through residential neighborhoods and urged that they stay on the state roads.

Mr. Leon stated that the Planning Board incorporated restriction language to address the concerns of residential streets.

Mr. Harnais points out to Mr. Walsh the results and reads the conditions to him.  
Mr. Walsh listens and reiterates the language “school hours / school year”

Motion by Mr. Reynolds to allow Fire Chief Report, seconded by Mr. Mikami.  
Vote: 4:0:0

Motion by Mr. Reynolds to close the Public Hearing, seconded by Darryl Mikami.  
Vote: 4:0:0

Motion by Mr. Reynolds to approve the Site Plan Review with Conditions, seconded by Ms. McDonald.  
Vote: 4:0:0

**[12-10] (Public Hearing)**

**280 Ivory Street, Harvard Vanguard Medical Associates, Inc.**

**Special Permit - Parking Facility**

Attorney Carl Johnson, III, Attorney for the Applicant

Kim Eric Hazarvartian, Transportation Engineer, TEPP LLC

John Clark, Director of Real Estate Development, Harvard Vanguard Medical Associates

Chair read the Public Notice.

Carl Johnson addressed the Planning Board and stated that since the last meeting, on October 30, 2012, Harvard Vanguard submitted a new Site Plan that addresses traffic circulation.

John Clark addressed the Board and explained they are waiting the installation of the key coded parking gate. They offered photos to the Board that indicated the security lights are being installed by BELD. He expressed the main issue is traffic control at 240-280 Ivory Street. He and Kim Eric Hazarvartian are working with the Town Engineer to produce a new overlay plan.

Ms Santucci-Rozzi directed the Planning Board members to their meeting packet.

Kim Eric Hazarvartian stated that the plan addressed the exiting issue by defining the pavement by a 6' median and stop line – this extends the median to control flow into Dunkin Donuts. It also offers a cross walk, a radius to define traffic flow with one-way signs, markings and sandbags.

Mr. Johnson stated that in addition to the Planning Board Conditions, Harvard Vanguard is adding security lights. Also discussed, a key coded parking gate activated and that 70 spaces are striped. Mr. Johnson expressed that Harvard Vanguard wants to install the gate. The existing traffic issues will be addressed. The Town Engineer suggested sandbags in bright yellow to control traffic which would be sufficient for the interim. Harvard Vanguard would like permission to install the gate and fence per the stamped Engineering Plan.

The Chair opened questions to the public, no person had questions.

Ms. McDonald said that it looks good – an improvement.

Mr. Mikami said he appreciated the sandbags and asked what the temporary period would be?

Mr. Johnson introduced John Clark to answer. Mr. Clark stated that since Harvard Vanguard is looking at other options for a new location, they are requesting 1-2 year temporary permission.

Mr. Mikami asked of the Special Permit carries over to a new tenant?

Ms. Santucci-Rozzi stated that this is a Special Permit for Harvard Vanguard. It is a one year permit with a one year extension. Future tenants Would be required to amend the Decision or seek a new Special Permit.

Mr. Harnais asked if 111 Grossman Drive has been reassigned to a new tenant?

Mr. Johnson stated that the submitted lease is for an undefined term.

Mr. Reynolds asked if the curb cut remains the same size - the entrance to Dunkin donuts will require a more deliberate move to exit, waiting behind a parking sign.

Kim Hazarvartian, Transportation Engineer confirmed yes, a parking sign consisting of a painted line filled with sand bags at the corner of Ivory Street.

Mr. Reynolds questioned the color, concerning snow.

Mr. Hazarvartian stated that they will consult with the Town Engineer.

Mr. Reynolds asked about a proposed crosswalk being added.

Mr. Harnais reinforced that this is temporary.

Mr. Hazarvarian answered, yes.

Mr. Johnson added that this may be adjusted within the time period and agreed to re-review.

Mr. Reynolds referred to the original Conditions. At the Dunkin Donut site, the traffic should not be exiting there but nothing prohibits them from turning left.

Ms. Santucci-Rozzi said that she spent time on site with the Applicant. The Conditions define a 1 year timeframe plus an additional year for the Planning Board to review a more permanent solution. She further stated that Staff needs more time to perfect the issues. If the Board acts, she suggests a Continuance but the gate issue can be acted on separately.

Mr. Harnais preferred that the sandbags be for a short period of time because it doesn't look good. He doesn't have an issue with the gate and suggests Harvard Vanguard work with Staff on the other issues.

Mr. Johnson requested a temporary use till December 19<sup>th</sup>.

Ms. Santucci-Rozzi stated that it can be heard again on December 11<sup>th</sup> at 7:20 P.M.

Mr. Reynolds Motioned to Continue to December 11, 2012, seconded by Mr. Mikami  
Vote: 4:0:0

**12-09 (Public Hearing)**

**370 Shaw Street, Linda and William Jablonski, Application: Multiple Dwellings on Lot 135-710**

Chair read the Public Notice.

Mr. Alexander Trakimas, Principal of SITEC Environmental stated that in accordance with code for multiple dwellings on one lot, a minimum of 15,000 feet is necessary for each lot. The Jablonskis propose to add 2 single family homes on the lot by expanding the driveway. Services such as municipal utilities and fire hydrant need to be installed. The property is secluded, not visible from Shaw Street. The homes will not deter the neighborhood, screening will be maintained, stormwater mitigation and

consistent density. Discussions are underway with the Fire Department and BELD and drawings will be provided.

Chair called for any public questions.

Paul Walsh, a Braintree resident and homeowner at 27 Howard Street is an abutter to the subject property. He addressed the Board and requested a "swale" be maintained to deflect adjacent property flooding.

Mr. Santucci-Rozzi asked what properties are involved.

Mr. Walsh indicated the location on the Jablonski's Plan and highlighted 33 Howard Street in particular.

No other person had any questions or comments.

Chair opened questions to the Planning Board.

Ms. McDonald did not have any questions at this time.

Mr. Mikami recalled a similar project about one year ago and asked if there were any neighbor problems other than the concerns of Mr. Walsh?

Mr. Jablonski stated that they spoke with the neighbors and they had no issues and offered that the landscaping will improve

Mr. Mikami asks if the neighbors have any issues with the materials used?

Mr. Trakimas describes the size is approximately 2,300 S.F. and plans will be submitted. The Jablonski's plan on forming a Condo Association. He stated that the swale will be maintained and will not change drainage flow.

Mr. Mikami asked if the trees will be removed?

Mr. Trakimas stated that that will be answered on the submitted Plans.

Mr. Reynolds stated that it's early in review – and he questioned the 18' proposed width described in the letter Mr. Trakimas submitted to the Planning Board. He stated that runoff will be a focus as the plans move forward as well as water infiltration. Mr. Reynolds further asked if there will be any blasting.

Mr. Trakimas does not know until it is studied further. Mr. Trakimas intends to use a porous pavement.

Mr. Harnais suggested they inform all neighbors of the proposed Plan. He recommended using sloped granite for the curbing because it's more durable and it looks better.

Mr. Reynolds Motioned to continue the hearing to January 8<sup>th</sup> at 7:30 P.M, seconded by Mr. Mikami  
Vote: 4:0:0

**2-10 Commercial Street – Request for Modification [12-02]**

**Harry Sarras, S&H Realty Trust, Applicant**

Brian J. Donahue, ALA, Donahue Architects, Inc

Brian J. Donahue, ALA, Donahue Architects, Inc., addressed the Planning board. He explained that the existing building at the site today, is not compliant but the approved plans do conform. He explained that the August 2012 storm flooded the building in the Landing, requiring decisions for accessibility and parking that cuts into the building space. The proposed solution raises the floor level and adds a ramp on the public sidewalk. Mr. Donahue explained that he met with Christine and the Mayor hoping to move forward.

Mr. Donahue indicated details of the Plan on display. He submitted a 13.5 elevation increasing the level to 14.5. The entry to the restaurant & retail space was shifted and to keep it attractive, they plan to have a small patio area that the ramp leads to before entering the building that utilize railings and planters. Other minor modifications were made that do not change the height of the space. The patio area contains 100 S.F. of seating, seasonal in size. Working with the Licensing Board, the number of outdoor seats shifts the inside capacity to outdoors and will require approval.

Ms. McDonald – asked if this will be concrete. Mr. Donahue answered it will be poured concrete with brickfascade/veneer.

Ms. Stickney made a comment that field decisions should include structural review and support.

Mr. Mikami asked if the flood changed the interior floor plan. Mr. Donahue said it raised it by 10".

Mr. Mikami asked if these are all the changes or will they be back later for something else. Mr. Sarras, the Applicant, answered yes.

Mr. Reynolds commented that the Plan looks great – he's looking forward to further analysis. He refers to Christine Stickney's seating issue regarding capacity.

Mr. Sarras confirmed that when utilizing outdoor seating, chairs from inside will move outside.

Ms. Stickney suggested a minor modification, to reference the Staff Memo.

A Motion was made by Mr. Reynolds to accept a minor modification of the approved site plan to approve the increased elevation and patio area per the staff's memo, seconded by Mr. Mikami.  
Vote: 4:0:0

**10-01 Dave and Busters – 250 Granite Street**

**9-Month Review of a Special Permit**

Andrew Upton, DiNicola, Seligson & Upton, LLP, Attorney for Dave & Buster's  
Edward Forler, Vice President of Operations, Dave & Buster's, Inc.  
Rocco Casciato, General Manager, Dave & Buster's, Inc.  
Merrill Becht, Assistant General Manager, Dave & Buster's, Inc.

Mr. Upton addressed the Board and explained that Dave & Buster's opened on December 7<sup>th</sup> of 2011. He proceeded to explain various rules and operation policies.

Mr. Harnais asked if the Board has any questions.

Member McDonald has no questions.

Mr. Mikami asked Vice President, Forler if this store reports to him and how many other stores report to him? Mr. Forler responded, stating that 27 stores report to him.

Mr. Mikami asked how does Mr. Forler communicate to the branch managers – do they report events or issues daily, mid month, monthly?

Mr. Mikami reminded Mr. Forler that the Conditions of Approval required an Annual Report.

He Asked Mr. Casciato what was important to him as a General Manager. He responded "line control". Mr. Mikami: asked Mr. Casciato to tell the Board how many times in the past 6 months has there been a line?

Mr. Casciato answered "one time".

Mr. Mikami said there is no information provided on police action in any report. The Board asked for information about the business and the Board still does not have sufficient information. The Board asked for the results, they did not receive it – Mr. Mikami stated that he thought this is a breach of the Special Permit Conditions.

Mr. Reynolds stated that he expected to get a measure from a baseline of conditions. There is no valuable information that is pertinent to understanding Dave & Buster's response to unexpected corrections.

Further, this leaves the Board unable to determine what Dave & Buster's has done to respond to business events such as a change in police detail or the response to a fire or emergency. Mr. Reynolds further explained that as a Board, we need to know and expect more information.

Mr. Harnais commented to Mr. Upton that The Board was looking for how you handle your business with actual numbers to determine how it is going.

Mr. Upton suggested that the Planning Board ask their questions now.

Mr. Mikami tells Mr. Upton that he attended all the Public Hearings. The Planning Board is not here to have a discussion. You were asked last month to return and re-present.

Mr. Mikami asked the Chair to have Dave & Buster's return next month to again present a full report and requested staff to consider measures in the event they again, do not comply. Mr. Mikami expressed his disappointment of the lack of professionalism. Further, he stated that at a Public Hearing there was much debate about the complaints.

Mr. Upton protested about how they were being handled by the Planning Board. He wanted his comments on the record about the Planning Board's micromanaging and demands – and that the Board's questions are not reasonably related.

Mr. Mikami further explains to Mr. Upton that he/they did not provide the evidence to make any assessment, there is no baseline.

Mr. Upton protested further that the Planning Board won't ask questions right now (at this meeting).

Mr. Mikami retorts.

Mr. Upton said the Planning Board is micromanaging the business and he doesn't understand why they couldn't answer today.

Mr. Mikami repeated that there have been numerous requests to produce a report card.

Mr. Harnais stated to Mr. Upton that the Board wants to make sure the Town is protected.

Mr. Reynolds – addressing Mr. Upton stated he wanted an update, he wanted to know how Dave & Buster's responded to situations.

Ms. Stickney refers Mr. Upton to the June Minutes which contain all the requested information.

Mr. Harnais explained to Mr. Upton that Mr. Mikami is not looking for the details of their policies, but the results of their policies. Although Dave & Buster's has a good product, sufficient information has not been provided.

Mr. Mikami supported the Chair's statement as to what and why certain information has been requested.

Mr. Harnais suggested Mr. Upton get the June 12<sup>th</sup> Minutes.

Mr. Upton was asked to submit a follow-up report.

Ms. Santucci-Rozzi repeated what the Board had explained to Mr. Upton earlier, that the Planning Board has not received the type of information it was requesting.

Mr. Upton asked if there is a template available. Ms. Santucci-Rozzi directed him to the June Minutes and why that information is needed.

Ms. Santucci-Rozzi suggested receipt of this information within 2 weeks.

Mr. Mikami stated "with right to reserve".

Mr. Harnais directed Mr. Upton to submit the report to the Planning Board by December 1<sup>st</sup>.

A Motion was made by Mr. Reynolds to continue the Review of the Special Permit to December 11<sup>th</sup>, .2012; seconded by Mr. Mikami.

Vote: 4:0:0

A Motion was made by Mr. Reynolds, to accept the 2013 Planning Board Meeting Schedule; seconded by Mr. Mikami.

Vote 4:0:0

A Motion to adjourn was made by Mr. Reynolds; seconded by Mr. Mikami at 11:05.

Vote: 4:0:0

Respectfully submitted,

Elizabeth Schaffer