



Joseph C. Sullivan  
Mayor

## Department of Planning and Community Development

Melissa M. Santucci, Principal Planner  
90 Pond Street – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

# APPROVED

### PLANNING BOARD

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

Braintree Planning Board  
April 12, 2011  
Town Hall

#### Present:

Mr. Harnais, Chair  
Mr. Reynolds, Vice Chair  
Mr. Mikami, Member  
Ms. Lauria, Member

Melissa Santucci, Principal Planner

The Chair called the meeting to order at 7:10 P.M. and called the roll: Mr. Harnais, Mr. Mikami and Ms. Lauria all present. Mr. Reynolds arrived at 7:45 P.M.

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

#### Application for Endorsement of an Approval Not Required Plan under the Subdivision Control Law and pursuant to MGL Chapter 41, Section 81-P

Attorney Frank Marinelli, 439 Washington Street, Braintree, MA 02184 was present and addressed the Planning Board.

Attorney Marinelli gave an explanation of the proposed project which would result in a reconfiguration of 2 lots (1 Marinelli Court and 567 Middle Street) into three lots of the following sizes: Lot 1 (Plan 1002 Plot 5A): 15,125 sq. ft., Lot 2 (Plan 1002 Plot 5G): 18,613 sq. ft. and Lot 3 (the new buildable lot) 19,318 sq. ft.

Ms. Lauria had no questions at this time.

Mr. Mikami had no questions at this time.

Motion by Ms. Lauria, second by Mr. Mikami to endorse the ANR.  
Vote: 3/0

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Application for Endorsement of an Approval Not Required Plan under the Subdivision Control Law and pursuant to MGL Chapter 41, Section 81-P

Attorney Carl R. Johnson III, 536 Granite Street, Braintree, MA 02184, was present to represent the applicant.

Attorney Johnson addressed the Planning Board. He explained that the plan was the same as the one presented during the rezone process.

Ms. Lauria had no questions at this time.

Mr. Mikami inquired that there were no changes from the previous plan. Atty. Johnson replied that was correct.

Atty. Johnson pointed out that this does correct some zoning matters regarding this area. The Assessor's had created a tax lot in 1940 which has led to some of the confusion.

Motion by Mr. Mikami, second by Ms. Lauria to endorse the ANR.  
Vote: 3/0

Zoning Board of Appeals – April

Request for Relief from Bylaw Requirements under Chapter 135, Section 135-904.2(5)(a), Section 135-904.2(5)(b), 135-904.2(5)(e), 135-904.2(5)(g), 135-407  
#11-21

*WITHDRAWN*

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Sections 135-403, 407, Article 7, Section 701  
#11-20

Applicant William F. Hillman, of 47 Dobson Road, Braintree, MA 02184 was present to request relief from the above Zoning Bylaw requirements, seeking permission to construct a 2<sup>nd</sup> story over the existing dwelling's footprint.

Mr. Hillman addressed the Planning Board and gave a description of the proposed project.

The Chair explained to Mr. Hillman that the Planning Boards responsibility is to give a recommendation.

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Mr. Hillman stated that the dwelling had been built around 1910. He went on to say that he has spoken to the neighbor that this would have the most impact on and that neighbor has no problem with the proposed second story addition.

Ms. Lauria wanted clarification that the proposed project was to go straight up on the existing structure (and it's existing footprint). Mr. Hillman confirmed this.

Mr. Mikami had no questions at this time.

Motion by Ms. Lauria, second by Mr. Mikami to give a favorable recommendation on the request for bylaw relief.

Vote: 3/0

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Sections 135-403, 407, Article 7, Section 701  
#11-18

Applicant Robert J. Tricarico, of 56 Cotton Avenue, Braintree, MA 02184 was present to request relief from the above Zoning Bylaw requirements, seeking permission to demolish an existing mud room and small entry porch and to construct a (14 ft. by 11 ft.) mudroom addition on the side of dwelling with a (14 Ft. by 11 Ft.) framers' porch in front and a (13.5 ft. by 14 ft.) deck to the rear of the mudroom addition.

Mr. Tricarico addressed the Planning Board. He went over the history of various additions that have been added to the existing dwelling over the years. He explained that this is the last section to be done and would be beneficial to his family.

Ms. Lauria had no questions at this time.

Mr. Mikami asked if Mr. Tricarico had met with the Planning Department Staff. He had not. Mr. Mikami asked for clarification if Mr. Tricarico has seen the Planning Department Staff comments. Again he had not.

There was then discussion regarding permission granted by the ZBA in 2004. Mr. Mikami requested confirmation that at that time the permission was granted because of hardship due to the angle of the property boundary. Mr. Tricarico said that this was the case. Mr. Mikami stated that now the applicant wanted to go beyond what had been previously granted. Mr. Tricarico said that at that time they did not know what their plan would be going forward. Ms. Santucci stated that there did seem to be a lot going on with this current proposed plan (the mudroom and addition). She noted the shortened

distance from the property line and the fact that everything was getting bigger. Mr. Tricarico acknowledged this to be true.

Mr. Mikami pointed out that in 2004 there was already the understanding that he was going beyond the rules and now he wants to further encroach on the property line. Mr. Tricarico said that he does not recall what was done in the past. Mr. Mikami responded that the measurements are here. Mr. Tricarico said yes they were.

Mr. Mikami wanted to know what the hardship was. Mr. Tricarico gave an explanation of the size and the inadequacies of the structure as it is for his family. Mr. Mikami stated that size is not the issue, rather it is that the proposed structure would be encroaching more. He said that they need to show hardship and why the hardship should be granted? Mr. Tricarico said that the current dwelling was not energy efficient and not to code. Ms. Santucci said that while the Planning Board understands the points he is making, why is the proposed project bigger? Mr. Tricarico referred to the architects design. Mr. Mikami stated that it is his plan and therefore his responsibility to know the rules. He went on to say that there had been no presentation of hardship and one solution would be to conform to what had previously been granted in 2004. He cannot personally be supportive of the plans as it is. Mr. Mikami told Mr. Tricario that he could go back and review or take his chances with the ZBA.

The Chair stated that he had no questions at this time regarding the proposed project. He stated that it was up to Mr. Tricarico to go before the ZBA or redo the plan. He asked if Mr. Tricarico wanted the Planning Board to take a vote. Mr. Tricarico felt that if he redid the plan he would not get anywhere. The Chair reminded him that the Planning Board just makes a recommendation and is not the final word.

Motion by Mr. Mikami, second by Ms. Lauria for a negative recommendation on the request for relief.

Vote: 3/0

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Sections 135-403, 407, Article 7, Section 701  
#11-19

Applicant John M. Kenny of 15 Harrison Avenue, Braintree, MA 02184 was present to request relief from the above Zoning Bylaw Requirements, seeking a 5 ft. variance from the required setback to construct a 16 ft. by 12 ft. deck at the rear of his property.

Mr. Kenny addressed the Planning Board. He gave an explanation of the proposed project which would include the installation of French Doors leading out to the new deck. He explained the need for the variance as the new deck would be 5 ft. over the 30 ft. required setback from the rear of his property.

Ms. Lauria questioned what the hardship was. Mr. Kenny explained the deck again. Ms. Lauria replied that the Planning Board understands what he wants to do but they need to know what the hardship is. Mr. Kenny stated that he wants to make the house and life better.

The Chair explained the meaning of hardship under the law as it pertains to soil, size and shape of lot etc. Mr. Kenny explained the odd shape of his lot.

The Chair raised the question if there was subdivision there previously. Ms. Santucci was not sure of that and noted that the lots all vary. She asked the applicant if any consideration had been given to constructing an L-shaped deck and staying within the required setbacks. Mr. Kenny discussed the location of his driveway and that he did not want to block the bulkhead. Ms. Santucci asked about the other side? Mr. Kenny thought there would be the same problem asking if she meant off the sun room? She explained coming off the back of the house and going right. Mr. Kenny asked to look at the plan and informed the Planning Board that there was a direct vent to his furnace and wanted to know if he was allowed to build over that. He feels that configuration does not fit in with the use of their land and did not make sense to him.

Ms. Lauria had no questions at this time.

Mr. Mikami had no questions at this time.

The Chair wanted to know when the house behind the Applicant's had work done. Mr. Kenny was not sure.

Motion by Ms. Lauria, second by Mr. Mikami to give a favorable recommendation based on the L shape that cuts behind the applicants lot.

Vote: 3/0

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Sections 135-403, 407, Article 7, Section 701, Article 8, Section 806  
#11-17

Applicant David LaLama of RDD Development LLC, 186 Burroughs Road, Braintree, MA 02184 was present to request relief from the above Zoning Bylaw Requirements to convert the existing office structure to a residential unit.

Mr. LaLama addressed the Planning Board.

He explained that the property has two structures. What had previously been a garage had been converted to an office building. Mr. LaLama no longer needs the office and would like to convert it and rent it out as a single family residence.

Ms. Santucci stated that she finds the proposal to be sensible. It was noted that all residential buildings in a general business zone require a special permit.

Ms. Lauria had no questions at this time.

Mr. Mikami wanted clarification of the order of the process. i.e. zoning first and then the special permit? Clarification was given that the zoning had to be looked at first because that needs approval before the special permit.

Mr. Mikami also requested clarification as to the proposed use of the structure. Mr. LaLama informed him that it would be a rental property. Mr. Mikami wanted to know if the applicant lived there. He does not. He plans on renting out both structures. Mr. Mikami noted how this request is different from others that have been coming before the Planning Board as this was a request to go from general business to residential, and that most recently have been requests to go from residential to general business. He also wanted to know if this would be Mr. LaLama's last request for a rezone and what precautions would be taken to ensure this is the case. Mr. LaLama assured him that he wanted it to go residential and to leave it that way. Ms. Santucci gave an explanation of the mix of zoning along the Quincy Avenue corridor. Mr. Mikami expressed his concern over zoning as this is a sensitive issue, stating that this area is a big mix.

Mr. Mikami asked if there were any other issues with the proposal. Ms. Santucci stated that other things could be discussed in the Public Hearing.

Mr. Mikami wanted to know if the Planning Board would be hearing about potential improvements in the proposal. Mr. LaLama explained that the exterior is to remain as there are already existing green areas and plantings.

Motion by Ms. Lauria, second by Mr. Mikami to give a favorable recommendation.  
Vote: 3/0

*7:45 P.M. IT WAS NOTED THAT MEMBER REYNOLDS WAS NOW PRESENT.*

Request for Minor Modification/ 250 Granite Street  
Dave and Buster's, Inc.  
#10-01

Mark O'Henley, AIA, Project Manager, Aria Group Architects, Inc., 830 North Blvd. Oak Park, IL 60301, was present to represent the applicant, Dave and Buster's, Inc.

Ms. Santucci opened a full set of plans for the Planning Board to review.

Mr. O'Henley addressed the Planning Board. He introduced himself stating that he was with Aria Group Architects, Inc. the architects for Dave and Buster's. Mr. O'Henley gave

a brief explanation of the minor floor plan changes which include, changes to the bar area. There was also an exterior change. This was the addition of a curved wall which pushed in the dining room slightly resulting in a reduction in square footage.

Ms. Lauria and Mr. Mikami questioned the gaming area and the actual summary of square footage numbers. Mr. Mikami noted that the applicant has a history of changing, not dating correctly and not calculating correctly. He wants to see the changes explicitly so it is clear to both the Planning Board and the community. He also stated that he had not had time to go over the information.

Mr. Reynolds also stated that there had not been much time to review, but he finds the new proposal fairly straight forward with nothing jumping out at him. He also mentioned the Planning Departments request regarding the signage, stating that the Planning Board is looking for consistency.

Mr. Harnais questioned the corner of the building. Mr. O'Henley replied that this was the design concept of the newer locations.

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Fred Hennighausen, Senior Director of Development & Construction for Dave and Buster's explained that there had been a shift in branding with the newer locations. He stressed that there was no intended trickery and it was their goal to maintain what was required. They are respectfully requesting approval as they have hired a contractor and really want to move forward.

Motion by Mr. Reynolds, second by Ms. Lauria to approve the request for the minor modification with the condition that the signage request be met.

Vote: 4/0

Mr. Mikami stated that it is in everyone's best interest that information is received on a timely basis and that it is accurate. Give it to us on time.

Approval of Minutes for 3/8/2011

Motion by Mr. Mikami, second by Mr. Reynolds to approve the Planning Board minutes for the meeting dated Tuesday, 3/8/2011.

Vote: 4/0

Motion by Mr. Reynolds, second by Ms. Lauria to adjourn at 9:00 P.M.

Vote: 4/0

Respectfully submitted,

Beth A. Herlihy



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## PLANNING BOARD

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Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Michelle Lauria, Member

Braintree Planning Board  
April 12, 2011 – Public Hearing @ 7:50 P.M.  
Town Hall

Present:

Mr. Harnais, Chair  
Mr. Reynolds, Vice Chair  
Mr. Mikami, Member  
Ms. Lauria, Member

Melissa Santucci, Principal Planner

268 Quincy Avenue/David LaLama, Manager RDD Development LLC  
Application: Special Permit for Apartment House/2-Family Development Site Plan  
Review  
#11-01

*IT WAS PREVIOUSLY NOTED THAT MEMBER REYNOLDS WAS NOW PRESENT.*

The Chair opened the Public Hearing at 7:50 P.M.

The Chair stated that he would prefer to open the Public Hearing and then table it in case the ZBA refuses the previous request.

The Chair read the legal notice regarding the Public Hearing, Planning Department File #11-01, application for Special Permit and Site Plan Review. Applicant: David LaLama, Manager RDD Development LLC.

The Chair stated that the Planning Board had seen the recommendations and thinks that it is better for the applicant to receive ZBA approval before going through the process of granting the Special Permit and Site Plan Review.

Ms. Santucci asked if the Planning Board is inclined to allow her to meet with the applicant. Mr. Mikami encouraged the applicant to work with the Planning Board staff. He stressed that if this going to residential to make it look residential.

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The Chair also stressed that there should be no 'flip flopping' of the zoning in the future.

Motion by Mr. Reynolds, second by Mr. Mikami to table the Public Hearing to Tuesday,  
May 10, 2011 at 7:30 P.M.  
Vote: 4/0

Respectfully submitted,

Beth A. Herlihy



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## PLANNING BOARD

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Braintree Planning Board  
April 12, 2011 – Public Hearing @ 8:15 P.M.  
Town Hall

Present:

Mr. Harnais, Chair

Melissa Santucci, Principal Planner

Mr. Reynolds, Vice Chair

Mr. Mikami, Member

Ms. Lauria, Member

589 Granite Street/Dunkin' Brands, Inc.

Application: Special Permit (Watershed) and Site Plan Review

#11-02

The Chair read the legal notice regarding the Public Hearing, Planning Department File #11-02, application for Special Permit and Site Plan Review. Applicant: Dunkin' Brands, Inc.

Attorney Carl R. Johnson III, 536 Granite Street, Braintree, MA 02184 addressed the Planning Board.

Visual Board used in presentation.

Atty. Johnson introduced the three individuals that were also in attendance. Dana M. Altobello, P.E. of Merrill Associates, Inc., Eric Wagner, Manager of Store Planning, Dunkin' Brands, Inc. and John N. Welch, Director of Retail Construction, Dunkin' Brands, Inc.

Atty. Johnson explained that they had previously been before the Planning Board for recommendation to the ZBA for permission for development of the parking lot and the stormwater management to support the training facility at 589 Granite Street. The original construction was done in 1967. They are expecting the external improvements to be completed in mid May. Atty. Johnson described the proposed alteration to the parking in the rear and in the front to meet the requirements.

There was discussion regarding the need for the Special Permit for construction for dealing with the watershed. It was also noted that the curbing standards will be addressed. Atty. Johnson also stated that overall the project will be beneficial to the area and the community. The signage has been approved at 21 square feet (the same as the other sign) and the flags all conform to the requirements. There will be increased landscaping added as well.

Dana M. Altobello, P.E. of Merrill Associates, Inc. addressed the Planning Board. Mr. Altobello discussed the drainage system, flow and catch basin. He also explained the pitch of the parking and the subsurface system. Mr. Altobello went over the relocation of parking and additional planting. There was also discussion regarding the curbing (Cape Cod Berm on the perimeter and Vertical Concrete around planting). The fact that there had been some overages in their budget was mentioned. They are trying to be cost conscious and would appreciate the Planning Board taking that into consideration.

Atty. Johnson stated that there was no further presentation, and Mr. Altobello had gone over the drainage and watershed but that could be discussed further if needed. Mr. Altobello informed the Planning Board that there would be a subsurface infiltration system. Atty. Johnson referred to the report supplied on stormwater maintenance, stating that this is to clarify a construction detail to meet the requirements and that it is essentially the same as the previous proposal.

Atty. Johnson discussed that overall this is a vast improvement to the site. There is significant green barrier between the property and the abutting house. He went on to state that this is primarily a training facility and there are no detrimental impacts. These improvements will make this a significant facility for Dunkin' Brands, Inc. They would appreciate the approval to move forward.

The Chair then opened the hearing to the public. There were no comments at this time.

The Chair then opened the hearing to the Planning Board.

Ms. Lauria had no questions at this time.

Mr. Mikami raised the question that this is the first time that the facility has been redeveloped in a long time. Atty. Johnson stated that was correct. The building had been built in 1967 and had once been a machine shop.

Mr. John N. Welch, Director of Retail Construction for Dunkin' Brands, Inc. addressed the Planning Board. He explained that the facility will not be used at full capacity on a daily basis, but there would be a few trainers there every day.

Mr. Mikami expressed that he realizes the cost would be better with the use of the Cape Cod Berm and wanted to know if that was the driving factor in the choice of that material. Mr. Welch stated that in the end it does come down to the bottom line. The use of the Berm will be simpler for them and cheaper to repair when necessary. The difference in cost would be around \$16,000 to \$17,000 dollars.

Mr. Mikami then turned the discussion to the vegetation on the property and asked if any existing trees will be taken down. Mr. Altobello stated that Dunkin' Brands, Inc. has been adamant throughout the process to keep as many existing trees as possible. They are trying to keep everything they can but possibly one will come down. Mr. Mikami said this is something that people will notice. Mr. Altobello confirmed that one main tree (and one that is closer to the building that could be a hazard to the façade) and possibly some bushes would be removed.

Mr. Mikami also pointed out the reduction in circulation widths from 24 ft. to 20 ft.

Mr. Reynolds stated that he found this to be a very good well thought out plan, and wanted to reiterate the points that Mr. Mikami touched on. He stated that while it was not unreasonable for the applicant to look at their bottom line, it is reasonable for the Planning Board to be concerned with the curbing material, taking into account the bad winters in this area and the issue with maintaining Cape Cod Berm. Mr. Reynolds said that in the end the facility is going to be here for a long time and it is his desire to see the curbing material change. He also commented again that he feels this to be an excellent project.

The Chair stated that he is not in favor of Cape Cod Berm curbing, but other than that he has no other issues with the project.

Atty. Johnson discussed the town's standards on curbing saying that granite was not typically used in this type of project. The Chair replied that he was not as concerned with the curbing at the rear of the property but rather more with the visibility to the public in front.

Ms. Santucci confirmed that both the Planning Board and the applicant were comfortable with her drafting the conditions regarding landscaping, drainage and construction.

Motion by Mr. Reynolds, second by Mr. Mikami to accept the correspondence list (with letter) dated 3/21/2011 through 4/3/2011.

Vote: 4/0

Motion by Mr. Reynolds, second by Ms. Lauria to close the Public Hearing.

Vote: 4/0

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Motion by Mr. Reynolds, second by Ms. Lauria for approval based on the agreed changes to the curbing.  
Vote: 4/0

Mr. Mikami also noted the widening of the entrances to 24 ft.

Respectfully submitted,

Beth A. Herlihy