



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

### PLANNING BOARD

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

# APPROVED

Braintree Planning Board  
June 13, 2011  
Town Hall

#### Present:

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

Christine Stickney, Director  
Melissa Santucci, Principal Planner

The Chair called the meeting to order at 7:10 P.M. and called the roll: Mr. Harnais, Mr. Reynolds, Mr. Eng, Mr. Mikami all present. Ms. Lauria (member) not present.

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

#### Remand Minor Modification

39 Lantern Lane

Martine and Rita Dirrane [#8-14]

Present were Jefferey A. De Lisi, Attorney for the applicants and David N. Kelly, P.E.P. Kelly Engineering Group, Inc.

The Remand Minor Modification with Norfolk Superior Court was presented to the Planning Board.

David Kelly explained that this was a minor modification to plans that had been approved previously. There was discussion about moving the fence with regards to the neighbors (Susan and William Johnson and Tina and John Carmody). There was also discussion regarding more of a green area.

Mr. Mikami wanted to know if the width of the driveway had changed. Mr. Kelly replied that it was 18 feet wide and the fire department is acceptable to a width of 12 feet due to the existence of the sprinkler. Mr. Mikami wanted clarification that the fence was 3 feet from the line. Mr. Kelly explained that the fence was 3 feet from the Carmody's property but was on the Dirrane's property, and that more vegetation would remain. Mr. Mikami questioned if 'collectively' everyone was happy. Attorney De Lisi stated that he had spoken to the plaintiffs attorney and that they were in support.

Mr. Mikami wanted to know when the project is supposed to start. Attorney De Lisi stated that the condition permit was good for 2 years , and they would have to go back to court for financial issues.

Mr. Eng inquired about the walkway. Mr. Kelly stated that the 12 foot width would accommodate walkers but they could add a 3<sup>rd</sup> area for walkers if needed. They have considered the safety issue including the addition of speed bumps.

Mr. Reynolds had no questions at this time.

Mr. Harnais wanted clarification that the fence was moving 3 feet closer to the road. Mr. Kelly replied that yes that was the case. Attorney De Lisi added that the 3 feet will remain in the property of the Dirrane's and it will be their responsibility to maintain. Mr. Harnais just wanted to be sure that the plaintiffs know what they are agreeing to with regards to the possibility of people making a path.

Ms. Santucci stated that the plan had been shared with Deputy Chief Donahue and the conditions of approval had been reviewed. There will be coordination with Attorney De Lisi for record plans.

Motion by Mr. Eng, second by Mr. Reynolds to act in favor of the minor modification.  
Vote: 4/0

Request for Waiver From Floodplain Special Permit Requirement  
Watson Park Splash Pad Project/Town of Braintree

Present to address the Planning Board were, Mr. Tom Whalen, Director, Public Works Department, Town of Braintree, Mr. David Warner, Project Manager, Warner Larson Landscape Architects and Fred A. Hamwey, Jr. PE, President Hanwey Engineering, Inc.

Mr. Hamwey addressed the Planning Board, giving a brief description of the project and the ½ foot raise in grade which is minimal to the entire park.

Mr. Mikami wanted to know that if the Splash Pad is built, is it to be maintained by the Town of Braintree. Mr. Whalen replied that the maintenance responsibility would come under the Department of Public Works. Mr. Mikami then inquired about the run time of the Splash Pad and if there would be lifeguards. Mr. Whalen informed him that it would be in operation from early spring to late fall, and while there would not be lifeguards there would be staff there during the summer months.

Mr. Mikami then raised the question of parking. Mr. Whalen said that is part of the project. Walking paths etc. will be filed separately with additional parking.

Mr. Eng questioned the 1/16<sup>th</sup> area. Mr. Hamwey explained that they used the part being used as the Splash Pad over the area of the entire park. Mr. Eng wanted to know if the water would run over the entire park. Mr. Hamwey stated that there would be an open swale around the Splash Pad.

Mr. Eng wanted to know what kind of filtration would be used. Mr. Warner stated that the water would circulate into a gravity tank and that it was a recirculating system. Mr. Eng asked how the water would be cleaned. Mr. Warner explained that it recirculates through filters.

Mr. Reynolds had no questions at this time.

Mr. Harnais had no questions at this time.

Ms. Santucci stated that a full review is being conducted by the Conservation Commission.

Motion by Mr. Eng, second by Mr. Mikami to grant the waiver.  
Vote: 4/0

Status Update (Incomplete Public Improvements)  
Priscilla Avenue Definitive Subdivision [#99-12]

Mr. Charles T. Woodward of Professional Land Survey Associates, 27 Central Street #25R, East Bridgewater, MA 02333, was present to represent Mr. Kevin Kane of Aspinwall Corporation, 25 Adams Street, Braintree, MA 02184.

Mr. Woodward addressed the Planning Board and explained that they were working on getting the As-Built plans accepted and that they had met on site with the neighbors. He explained that the process should be done in about 2 to 3 weeks.

Mr. Mikami had no questions at this time.

Mr. Eng had no questions at this time.

Mr. Reynolds had no questions at this time and thanked Mr. Woodward for the progress that had been made.

Ms. Santucci inquired about correction to the drainage. Mr. Woodward explained the work, including topography and control of water. He stated that there were no final designs to date. Ms. Santucci stated that they had until the July Planning Board meeting and suggested that perhaps they should meet this week or next week to assist in the drainage situation.

Zoning Board of Appeals – June  
Request for Relief from Bylaw Requirements under Chapter 135, Section 135-403, 407,  
701  
#11-27

Mr. Christopher Boyle of 18 Massachusetts Avenue, Braintree, MA 02184 was present and addressed the Planning Board.

Mr. Harnais explained to Mr. Boyle that the Planning Board was only here to give a recommendation and that the Zoning Board has the final jurisdiction.

Mr. Boyle explained the proposed project to construct a 5.7 foot wide by 20 foot deep addition to the garage and to construct a full second story over the newly expanded structure.

Mr. Mikami asked Mr. Boyle to explain his hardship. Mr. Boyle wanted to know what was necessary for hardship. Mr. Mikami explained the need for soil or plot issues.

Ms. Santucci wanted to know if Mr. Boyle was aware of the setbacks to which he replied that he was.

Mr. Eng wanted to know what they would be going down to. Ms. Santucci stated 1.9 feet when 20 feet are required. Mr. Eng addressed Mr. Boyle asking if he could understand why they are concerned about this situation when there was no hardship presented. Mr. Boyle stated that he was just trying to improve the property for his family.

Mr. Reynolds gave an explanation as to why these protections are put in place and wondered if there were any other options. Mr. Boyle replied that he had originally wanted a 2 car garage but obviously that would not work which was why he had thought of an over size 1 car garage. Mr. Reynolds stated that the project was to increase the garage and the living space above. Mr. Boyle had considered going to the rear of the property. Ms. Santucci suggested going towards the front (Massachusetts Avenue). Mr. Boyle thought that this would look strange.

Mr. Eng stated that an option would be to use the connector from the house to the garage. Mr. Boyle stated that he had considered that.

Mr. Harnais had no questions at this time.

Motion by Mr. Reynolds, second by Mr. Mikami, based on the information with the plan to not recommend approval.

Vote: 4/0

Request for Relief from Bylaw Requirements uncer Chapter 135, Section 135-904.1(5)(a), Section 135-904.1 (5)(b), 407 #11-26

Mr. Grant Gao, Project Manager, Excel Signs, 259 Quincy Avenue, Quincy, MA, 02169, was present to represent the applicant, Guang Lin, Tokyo Steakhouse, 250 Granite Street, Braintree, MA 02184.

Mr. Gao addressed the Planning Board. He gave an explanation of the request which is to have 2 Japanese letters over the main entrance to the steak house. These letters would serve to identify the entrance and enhance the corporate identity. The building is recessed behind the parking structure and the current signage is hard to see. He went on to say that they are not looking increase the pre-existing signage from the previous tenant.

Mr. Mikami expressed concern that should the Planning Board approve that they would be setting a precedent. Ms. Santucci explained that other free standing buildings have more than one sign and that the proposed signs for the Tokyo Steakhouse are very modest. Mr. Mikami wanted to know if there were any problems with the usage of LED lighting. Ms. Santucci said there were not.

Mr. Eng asked for a translation of the two letters. Mr. Gao stated that they say 'Tokyo'.

Mr. Reynolds had no questions at this time.

Motion by Mr. Eng, second by Mr. Reynolds to recommend approval.  
Vote: 4/0

Request for Minor Modification #2/250 Granite Street  
Dave & Buster's of MA, Inc. [#10-01]

Fred Hennighausen, Senior Director of Development & Construction for Dave & Buster's addressed the Planning Board.

Mr. Hennighausen gave a brief update of the project explaining that there had been some issues with the structural integrity of the existing building. He presented the new rendering.

Mr. Harnais questioned the fact that there had been minor modifications before. He expressed concern that he did not want the building to keep changing. They must understand that this is just one piece in the process and that this modification has to be the last one.

Mr. Mikami wanted an outline of the process. What happened? Mr. Hennighausen described the design, comments from the Town of Braintree and bids. He again mentioned the structural integrity of the building stating that there were more issues than previously thought and that the budget had also increased by 20%.

Mr. Mikami also expressed that he was concerned if this would be the final modification. He did not want the people of the town to feel as if they had been 'conned'. He wants this to be a good project and in his opinion they should stay with the original plan.

Mr. Eng agreed with Mr. Mikami and stated that he does not consider this to be minor as it changes the look of the building. Mr. Hennighausen assured the Planning Board that they do not take these changes lightly. Mr. Eng again stressed that he does not want them to come back with more changes. Mr. Eng wanted them to provide numbers from the original estimate to the present.

Mr. Reynolds wanted to know what the biggest change was. Mr. Hennighausen said it was the entranceway. Mr. Reynolds inquired further as to how that affects the interior. Mr. Hennighausen informed him that it affected the flow of the guests. Mr. Reynolds asked if from an operational standpoint was this good with management? He was told that this allowed the guests to see all 3 venues upon entering.

Mr. Reynolds inquired about the fire services. Brian Dunden of R. J. O'Connell stated that this modification allow for re-utilization. Mr. Reynolds wanted to know how this affected the cost of the project. Mr. Dunden said that it provided a small savings. He also stated that information would be forwarded to the Water and Sewer Department upon the outcome of this meeting.

Mr. Hennighausen discussed the 2 part paint façade. Mr. Reynolds questioned the maintenance. Mr. Hennighausen said that site visits were part of the company's audit process.

Mr. Reynolds wanted to know what the structural deficiencies of the building were. Mr. Hennighausen described the large wall in the middle of the building (that had been there from when the structure was a theater). The previous tenants (Circuit City) had removed large sections of this wall. Now the engineers are seeing just how much had been removed and they do not feel that it had been done correctly. There is concern over the structure of the walls and the support of the roof. After such a bad winter season there is concern over the flat roof.

Mr. Harnais again brought up concerns over the previous versus current design. He has issues with the entrance. Mr. Hennighausen said that it is now between the dining area and the bar. Mr. Harnais pointed out that the Licensing Board had seen the old design. Mr. Hennighausen agreed that was true. Mr. Harnais stated that it had been mentioned that this affects flow and wanted to know if it was less secure previously. Mr. Hennighausen stated yes. Mr. Harnais discussed the importance of this change and the fact that he does not consider it to be minor. Mark O'Henley, AIA, Project Manager, Aria Group Architects, Inc., 830 North Boulevard, Oak Park, IL 60301, addressed the Planning Board. Mr. O'Henley informed the board that the proposed entry is a little bit smaller than the one that had been previously proposed, (as shown on the plans). Mr. Harnais stated that he wants to get this right, now more changes, no more minor modifications.

Mr. Mikami stated, make it easy for us. If there are structural problems, give us a list. The major problem with the project is that they do not give specifics, we understand the economics involved. The Planning Board saw plans, approved them, now there are changes that they do not consider to be minor. Mr. Hennighausen said that the Building Department has drawings and that Dave & Buster's wants to open by December 12, 2011.

Mr. Harnais again stated that he wants to get this done. He wants to give the town a good product but the Planning Board needs to know what the product is.

Motion by Mr. Eng, second by Mr. Reynolds to table the Minor Modification to the July 12, 2011 meeting until the Planning Board receives the information it is requesting to have the tools to make a decision.

Vote: 4/0

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

Ms. Jennifer Hart, Office Manager at McGourty Co., 2 Garden Park, Braintree, MA 02184 was present to represent the applicant Brian McGourty.

The proposal is to create (3) three buildable lots out of the existing two at 502 and 508 Elm Street.

Ms. Hart addressed the Planning Board. She stated that revisions had been made.

Ms. Santucci stated that while some revisions were made the plan could not be endorsed as presented due to the fact that it says endorsed by Zoning Board, not endorsed by Planning Board.

Mr. Mikami had no questions at this time.

Mr. Reynolds had no questions at this time.

Motion by Mr. Reynolds, second by Mr. Eng to endorse the ANR plan upon submission of the requested revision.

Vote: 4/0

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

Ms. Jennifer Hart, Office Manager at McGourty Co., 2 Garden Park, Braintree, MA 02184 was present to represent the applicant Brian McGourty

The proposal is to adjust the common side boundary line between the properties at 268 Peach Street and 1275 Liberty Street.

Mr. Harnais questioned if the purpose of the proposal was to move the lot line. Ms. Hart replied that it was. Mr. Harnais wanted to know why. Ms. Hart stated that it was to meet

the 100 foot requirement. Mr. Harnais also inquired that if they did not conform with the other lot lines, how had the houses been built. Ms. Hart was not sure. Mr. Harnais stated that he was curious as to how this had happened and would leave the decision up to the Planning Board.

Mr. Mikami wanted to know who the Planning Board needed to hear from and what were the implications. Mr. Harnais again questioned the location of the house when the permits were given. Mr. Eng guessed that they just drew a straight line through the lots. Mr. Harnais stated that was his question.

Mr. Eng wanted to know if the applicant could come back with that information, then they could process. Ms. Santucci stated that would require an extension. Mr. Harnais asked Ms. Hart if she would be willing to sign an extension. She stated that she was.

Mr. Mikami asked if the Planning Board should get clarification from the Building Department. Mr. Harnais stated that they need to know the process of how the permit had been granted.

Ms. Santucci explained the form for extension. No action taken.

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

Gregory Bunavicz of Borderland Engineering, Inc., 61 Pleasant Street, Randolph, MA 02368 was present to represent the applicant, Mento Enterprises, Inc. 1157 Washington Street, Braintree, MA 02184.

Mr. Bunavicz addressed the Planning Board and explained the project. The purpose of the application to be to create (3) three buildable lots out of the existing two located at 69 and 81 Common Street.

Mr. Mikami wanted to know what the intent of the project was. Mr. Bunavicz stated it was to create one additional house lot. Mr. Mikami wanted to know if the 2 existing houses were to remain with the creation of one extra lot. Mr. Bunavicz said that the houses were to be demolished. For clarification Mr. Mikami stated that the 2 current homes would be demolished and then 3 new ones built. Mr. Bunavicz said that was the case. Mr. Mikami had no further questions at this time.

Motion by Mr. Eng, second by Mr. Reynolds to approve the endorsement of the ANR plan.

Vote: 4/0  
Page 10  
Planning Board Minutes  
June 13, 2011

Request for Reduction of Bond/Grove Heights [#06-15]  
Requested by Al Endriunas Agent for the Applicant, Grove Heights, LLC

Al Endriunas of Endriunas Bros., 678 Depot Street, Easton, MA 02334, was present to represent the applicant, Grove Heights, LLC.

Mr. Endriunas addressed the Planning Board. Ms. Santucci explained that the town engineer had been provided with a punch list which had essentially been completed.

Mr. Mikami had no questions at this time.

Mr. Reynolds had no questions at this time.

Motion by Mr. Reynolds, second by Mr. Eng to release upon notification of Bob Campbell's (Town Engineer) satisfaction.

Vote: 4/0

Approval of Minutes for 4/12/2011 and 5/10/2011

Motion by Mr. Eng, second by Mr. Mikami to approve the Planning Board minutes from the meetings dated, Tuesday, April 12, 2011 and Tuesday, May 10, 2011.

Vote: 4/0

Motion by Mr. Reynolds, second by Mr. Eng to adjourn at 9:10 P.M.

Vote: 4/0



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

### PLANNING BOARD

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

**APPROVED**

Braintree Planning Board  
June 13, 2011 – Public Hearing @ 7:30 P.M.  
Town Hall

Present:

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

Christine Stickney, Director  
Melissa Santucci, Principal Planner

268 Quincy Avenue/David LaLama of RDD Development  
Application: Special Permit and Site Plan Review  
#11-01

Ms. Santucci addressed the Planning Board explaining that the applicant had requested and additional continuance.

Mr. Harnais stated that he would like this to be continued to the Planning Board's August meeting.

Motion by Mr. Eng, second by Mr. Reynolds to continue the application until Tuesday, August 9, 2011, at 7:30 P.M.  
Vote: 4/0



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

### PLANNING BOARD

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

# APPROVED

Braintree Planning Board  
June 13, 2011 – Public Hearing @ 8:50 P.M.  
Town Hall

Present:

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

Christine Stickney, Director  
Melissa Santucci, Principal Planner

405 Franklin Street/TD Bank N.A.

Application: Special Permit and Site Plan Review  
#11-04

Mr. Harnais read the legal notice regarding the Public Hearing, Planning Department File #11-04, application for Special Permit and Site Plan Review. Applicant: TD Bank N.A.

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

Attorney Johnson requested that the hearing be continued to the Planning Board's meeting of Tuesday July 12, 2011 in order to have a full board present.

Motion by Mr. Reynolds, second by Mr. Mikami to continue the application until Tuesday, July 12, 2011, at 7:45 P.M.

Vote: 4/0