



Joseph. C. Sullivan
Mayor

Department of Planning & Community Development Zoning Board of Appeals

1 JFK Memorial Drive
Braintree, MA
www.braintreema.gov

Zoning Board of Appeals (ZBA) Meeting Minutes July 23, 2018

IN ATTENDANCE:

Stephen Karll, Chairman
Michael Ford, Member
Richard McDonough, Member
Stephen Sciascia, Associate
Gary Walker, Associate

ALSO PRESENT:

Jeremy Rosenberger, Zoning Administrator
John Goldrosen, Assistant Town Solicitor

Chairman Karll called the meeting to order at 7:00pm.

OLD BUSINESS:

- 1) Petition Number: 17-62
Petitioner: Foxrock Properties LLC
RE: 350 Granite Street**

Foxrock Properties LLC, 150 Newport Avenue Extension, Quincy, MA 02171 for relief from Bylaw requirements under Chapter 135, Sections 135-407, 904.2 and 908 to install a comprehensive signage package that includes monument, wayfinding, directory and wall signs, pursuant to the plans submitted. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 350 Granite Street, Braintree, MA 02184 and is within a Highway Business District Zone, as shown on Assessors Map 2040, Plot 12, and contains a land area of +/- 7.5 acres.

Notice

Pursuant to notice duly published in the Braintree Forum and posted at Town Hall, and by written notice pursuant to G.L. Chapter 40A, Section 11, mailed to all parties in interest, a public hearing was held by the Zoning Board of Appeals at Town Hall, One JFK Memorial Drive, Braintree, MA on January 22, 2018 at 7 p.m. The hearing was continued by mutual agreement

to February 26, 2018, continued by mutual agreement to March 26, 2018, continued by mutual agreement to April 23, 2018, continued by mutual agreement to May 21, 2018, continued by mutual agreement to June 25, 2018 and continued by mutual agreement to July 23, 2018. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Ford and Richard McDonough, Members; and Stephen Sciascia, Alternate.

Evidence

At the initial public hearing on January 22, 2018 (as listed above, the public hearing was continued by mutual agreement to February 26, 2018, continued by mutual agreement to March 26, 2018, continued by mutual agreement to April 23, 2018, continued by mutual agreement to May 21, 2018, continued by mutual agreement to June 25, 2018 and continued by mutual agreement to July 23, 2018 to allow for the petitioner to revise/update the proposed initial signage plans), Attorney Frank Marinelli, on behalf of the petitioner Foxrock Properties, LLC, explained the petitioner owns approximately two million sq. ft. of office/commercial property in the New England area. They purchased the 350 Granite Street property in 2016, which was originally built for New England Telephone. The existing office campus encompasses approximately 163,000 sq. ft. of office space, across two buildings. He noted one office building was constructed in approximately 1972 and the other in 1989. Attorney Marinelli described the proposed signage improvements, consisting of five (5) monument/directional ground signs and two (2) wall signs are necessary to provide a new wayfinding/branding approach for the unique property. Lastly, Attorney Marinelli discussed the petitioner had not yet decided on which proposed wall sign to implement for the existing mechanical head-house, namely either a 134 sq. ft. "350 Granite" wall sign or 92 sq. ft. "350" wall sign. Therefore, the petitioner would have the option to choose as a condition of Board approval.

Chairman Karll, Mr. Ford and Mr. McDonough expressed they did not have an issue with the proposed signage package as it would provide better wayfinding for employees/patrons accessing the unique property. However, Chairman Karll stated he was not comfortable providing the option to allow the petitioner to choose either the "350 Granite" or "350" wall signs. Chairman Karll felt the Board should not allow them to decide at a later date and that such a condition could set a precedent.

After discussion with the Board, Chairman Karll requested to continue the hearing to allow for the petitioner to decide which proposed wall sign they would like to move forward with, either the "350 Granite" or "350" wall sign. The Board concurred with the Chairman's request. Attorney Marinelli and the Board mutually agreed to continue the public hearing to July 23, 2018.

At the continued public hearing on July 23, 2018, Attorney Marinelli discussed the petitioner's had decided to move forward with the 92 sq. ft. "350" wall sign.

The petitioners seek the following variances/relief:

- Variance from Section 135-904.2 (A)(1)(g) of the Braintree Zoning Bylaw, which states, "One secondary ground sign may be permitted by the Zoning Board of Appeals if it determines that the nature of the use of the premises, the architecture of the building, or the location with reference to the street or way is such that additional ground signs should be granted in the public interest. The total of all ground signs visible to the access road shall not exceed 150 square feet in area." The proposed project seeks to install three (3) directory/wayfinding monument signs and two (2)

identification monument signs. The total sq. ft. of the directory/monument signs are +/- 132 sq. ft.

- Variance from Section 135-904.2 (A)(5)(b) of the Braintree Zoning Bylaw, which states, "No wall sign shall exceed four feet in overall height." The proposed "350" wall sign is 87 inches in height (7.25 ft.).
- Variance from Section 135-904.2 (A)(5)(g) of the Braintree Zoning Bylaw, which states, "No more than one wall sign for each store or business occupying a building shall be permitted. The aggregate total of all signage allowed shall not exceed 150 square feet in area. Sign permit may be issued only after written permission for said signs is authorized by the Zoning Board of Appeals." The proposal seeks to install two (2) wall signs. The total sq. ft. of the wall signs are approximately 103 sq. ft.

As grounds for the variances, Attorney Marinelli highlighted the 7.5 acre property is unique in nature due to the irregular shape (9 different lot lines). In addition the property/buildings are uniquely situated; the property is accessed off of an unnamed access/service roadway and is located at a much lower elevation than Granite Street. Also, the petitioner highlights the building's visibility is further reduced by the unmaintained vegetation along Granite Street. Furthermore, the office complex has multiple points of entry off of the access/service roadway, and is therefore confusing as to where the visitors/employees/service vehicles should go. As such, the variance requests are necessary to provide a better means of wayfinding and identification to tenants and the traveling public to navigate the unique property. Lastly, Attorney Marinelli expressed no harm to adjoining property or the community in general will occur.

The petitioners presented signage plans entitled "350 Granite Exterior Signage Concepts", stamped "Draft 6-06-18", sheet SLP1.00 dated August 23, 2017 and sheets G01.00, G01.01, G02.00, G02.01, G05.00, G06.00, G07.00, G08.00, G08.01, G09.00 dated October 4, 2017, and prepared by Sign Design of Brockton, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation for a continuance due to insufficient plans. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

Findings

The Board found that the proposed signs, when analyzed in relationship to the building, are appropriate in design, size and scale. The Board found the property and buildings are uniquely located at a lower elevation than the main roadway (Granite Street). In addition, the Board found that the petitioner had demonstrated the need for relief from the Zoning By-law as the proposed monument/directional ground signs and wall signs are necessary to identify the location of the buildings/points of access and for the traveling public to be safely directed. Lastly, the Board found that the proposed signage is mostly directional in nature and appropriately designed. As a result, the Board found relief can be granted without resulting in a substantial detriment to the public good and will not nullify the intent of the Zoning By-law.

Decision

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested variances from the Bylaw Section 135-904.2 signage requirements, pursuant to Bylaw Section 135-407 and 908, in accordance with the plans submitted.

- 2) **Petition Number: 18-17**
Petitioner: Brian & Laura McGourty
RE: 460R Pond Street

The initial public hearing was held and continued to August 20, 2018 to allow for more time for the Board to review the documents/materials related to the petition.

On a motion made and seconded, the Board voted 5-0 to continue the public hearing to August 20, 2018.

NEW BUSINESS:

- 1) **Petition Number: 18-26**
Petitioner: Heather Dudko
RE: 180 Pearl Street

The initial public hearing was held and continued to August 20, 2018 due to concern by the Board regarding the size of the proposed new wall sign.

On a motion made and seconded, the Board voted 5-0 to continue the public hearing to August 20, 2018.

- 2) **Petition Number: 18-27**
Petitioner: Kara Bendery
RE: 282 Middle Street

Kara Bendery, 282 Middle Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to demolish existing rear deck and construct two-story addition (240 sq. ft. building footprint) within the existing deck/building footprint; proposed addition would maintain, but intensify existing nonconforming side yard setback (2 ft.). The applicant seeks a permit, variance and/or finding that the proposed project will not be more detrimental to the neighborhood. The property is located at 282 Middle Street, Braintree, MA 02184 and is within a Residence B Zoning District, as shown on Assessors Map 2011, Plot 02, and contains a land area of +/- 5,710 sq. ft.

Notice

Pursuant to notice duly published in a newspaper in general circulation and posted at Town Hall, and by written notice pursuant to G.L. Chapter 40A, Section 11, mailed to all parties in interest, a public hearing was held by the Zoning Board of Appeals at Town Hall, One JFK Memorial Drive, Braintree, MA on July 23, 2018 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Ford and Stephen Sciascia; and Gary Walker, Alternate.

Evidence

Bob Butler, on the behalf of the petitioner, explained they are seeking to demolish an existing rear deck and construct a two-story addition (240 sq. ft. building footprint) within the existing deck/building footprint. The petitioner discussed the proposed addition would provide a larger kitchen, bathroom and new master suite on the second floor. The proposed scope of work would be within the same building footprint as the existing rear mudroom and exterior deck.

The petitioner's existing lot is nonconforming, as it contains only 5,710 sq. ft., where 15,000 sq. ft. is required and provides only 50 ft. of lot width, where 100 ft. is required. The petitioner's existing single family dwelling is nonconforming as to the front yard setback; the dwelling is located 13.1 ft. from the Middle Street front yard lot line and 12.2 ft. from the Marshall Street front yard lot line, while the Zoning Bylaw requires a front yard setback of 20 ft. The petitioner's existing single family dwelling is also nonconforming as to the side yard setback; the dwelling is located 2 ft. from the side yard lot line, while the Zoning Bylaw requires a side yard setback of 10 ft. The proposed addition will be built within the existing building/deck footprint and not create any new zoning nonconformity. Accordingly, a finding is required pursuant to M.G.L. Chapter 40A, Section 6.

As grounds for the finding, the petitioner noted the addition will be within the existing building/deck footprint and not generate any new zoning nonconformity. Secondly, the petitioner noted the addition will be similar to the existing neighborhood characteristics and not be more detrimental to the neighborhood.

The applicant presented the plan entitled "Plan of Land in Braintree, MA, 282 Middle Street", dated May 15, 2018, and prepared by C.S. Kelley of Pembroke, MA. The applicant also presented floor plans and architectural renderings entitled "Existing Conditions Butler Residence, 282 Middle Street, Braintree, MA" and "Addition for Butler Residence, 282 Middle Street, Braintree, MA", dated undated and prepared by CME Architects, Inc. of Plainville, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval with conditions: 1.) Any changes to the approved plans will require ZBA approval; 2.) Submission of a certified foundation to the Planning & Community Development Department prior to vertical construction; and 3.) Submission of as-built plan to the Planning & Community Development Department prior to issuance of a Certificate of Occupancy. The petitioner submitted a letter of support from three (3) immediate abutters. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

Findings

The Board found that the existing lot is pre-existing nonconforming in terms of lot area and width, as noted above. The Board found that the existing dwelling is pre-existing nonconforming in terms of the front yard and side yard setbacks. The Board also found that the proposed additions will not create any new zoning non-conformity. The Board further found that the proposed addition will be designed appropriately and be comparable in size relative to the existing housing stock. Lastly, the Board found there was no opposition to the proposed project. As such, the Board found the proposed addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Decision

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested finding, pursuant to Bylaw Section 135-403, in accordance with the plans submitted and the following conditions:

- 1.) Any changes to the approved plans will require ZBA approval;
- 2.) Submission of a certified foundation plan to the Planning & Community Development Department prior to vertical construction; and
- 3.) Submission of an as-built plan to the Planning & Community Development Department prior to issuance of a Certificate of Occupancy.

OTHER BUSINESS:

On a motion made and seconded, the Board voted 5-0 to grant a six (6) month variance extension to Petition #17-35, 50 Liberty Park.

APPROVAL OF MINUTES:

On a motion made and seconded, the Board voted 5-0 to accept the June 25, 2018 meeting minutes.

The Board adjourned the meeting at 10:00 pm.