



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 Notes July 26, 2016

IN ATTENDANCE: Stephen Karll, Chair
Michael Calder, Member
Richard McDonough, Member

ALSO PRESENT: Carolyn Murray, Kopelman & Paige
Lisa Maki, Braintree Town Solicitor
Jeremy Rosenberger, Zoning Administrator

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

OLD BUSINESS:

- 1) **Petition Number: 16-11**
Petitioner: Bart Steele (c/o Viewpoint Sign & Awning)
RE: 220 Forbes Road

The petitioner has requested an extension of the petition, case number 16-11.

On a motion made and seconded, the Board unanimously voted to continue the petition at the Zoning Board of Appeal meeting on August 23, 2016.

NEW BUSINESS:

- 1) **Petition Number: 16-24**
Petitioner: Sean and Suzanne Moran
RE: 87 Jefferson Street

The petitioners requested to withdraw the petition without prejudice.

On a motion made and seconded, the Board voted 3-0 to grant the petitioners request to withdraw the petition without prejudice.

- 2) Petition Number: 16-25
Petitioner: NH Signs
Property Owner: William J. Starkie
RE: 258 Quincy Avenue**

This is a petition filed by NH Signs, 66 Gold Ledge Avenue, NH, 03032 (owner, William C. Starkie, Jr.) for relief from Bylaw requirements under Chapter 135, Sections 407, 904.5 and 905 to rebrand existing gas station from Sunoco to Citgo; install digital LED price changers to replace existing manual price changer and replace existing canopy signage. 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 258 Quincy Avenue, Braintree, MA 02184 and is within General Business/Residence B District Zones, as shown on Assessors Map 3051, Plot 17, and contains a land area of +/- .495 acres.

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, 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 26, 2016 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Richard McDonough and Michael Calder, Members.

Evidence

Bill Clark of NH Signs appeared on behalf of property owner William C. Starkie, Jr. Mr. Clark explained the owner is seeking to rebrand the existing gas station from Sunoco to Citgo. The rebranding would include installation of digital LED price changers to replace existing manual price changer on the existing ground sign. In addition, the rebranding would include re-facing the existing Sunoco canopy signage. Mr. Clark added that the proposed new signage will not be an increase in square footage of any of the existing signs. Furthermore, Mr. Clark discussed the re-facing of the existing canopy signage would provide a reduction in the size of the existing Sunoco lettering.

The petitioner seeks a variance from Section 135-904.5(A)(1) of the Zoning By-laws which states, "Service stations or garages located in a general business area, a highway business area, or an industrial area may be allowed signs only after review and as permitted by the Zoning Board of Appeals." The proposed signage is for a service station in a General Business Zoning District. Mr. Clark highlighted the existing ground sign and existing gas-pump canopy signage were previously approved by the Zoning Board of Appeals on August 27, 2002. The proposed signage would not increase the size of the existing signage. The petitioner also seeks a variance from Section 135-905 of the Zoning By-laws which states, "Moving, flashing or animated signs are prohibited except for a minimum of sixty-second intervals needed for the functioning of a clock, thermometer or calendar. Automatically or manually continuous changing message signs are not permitted. The source of illumination for any sign shall be a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign, or a white interior light of reasonable intensity..." Mr. Clark explained the proposed digital LED price display will change when an end-user actively changes the sign via remote control or internet connection and the proposed illumination of digital LED price changers will be an amber/red. Lastly, Mr. Clark discussed the signage on the existing ground sign's base, recommended by the Zoning Administrator and the Planning Board to be taken down, have been removed.

As grounds for the variance, the petitioner discussed the proposed new signage will replace existing approved signage. The proposed new signage will not be an increase in square footage of any of the signs. In addition, the proposed digital LED gasoline price display on the ground sign is consistent with current gasoline price display practices. Mr. Clark noted the proposed type of display has been approved at other locations within Braintree. He added, signs have been installed in other locations and do not have appeared to cause any detriment to the public good nor have they nullified the intent or purpose of the Zoning Bylaw. Lastly, the signage will provide a benefit to the public by providing real-time gasoline prices.

The applicant presented existing and proposed signage plans, untitled, dated May 26, 2016 and prepared by NH Signs of Londonderry, NH.

The Planning Board submitted a favorable recommendation with conditions: 1.) Removal of existing, unpermitted sign advertising ice and propane on the existing ground sign; and 2.) No sign illumination during hours the gas station is not in operation. No one else spoke in favor of or opposition to the petition.

Findings

The Board found that the existing signage and usage is compliant with the plans approved by the Zoning Board of Appeals on August 27, 2002 (Case #02-84), on July 26, 1994, (Case #1919) and April 27, 1993 (Case #1841). In addition, the Board found the proposed new signage will not be an increase in square footage of any of the signs and would only replace existing approved signage. The Board also found that the petitioner had demonstrated the need for relief from the Zoning By-law as the proposed digital LED gasoline price display with red/amber lighting has been approved previously at other locations within Braintree by the Zoning Board of Appeals. The Board further found the new displays will provide a benefit to the public by providing real-time gasoline prices and a safety benefit to the employees as they will not need to manually change the gasoline prices on the ground sign. 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 135-904.5(A)(1) and 135-905 requirements, pursuant to Bylaw Section 135-407, in accordance with the plans submitted, and subject to the removal of the unauthorized propane/ice sign located on the ground sign pole and that no signage be illuminated between the hours of 12am to 6am.

- 3) Petition Number: 16-26
Petitioner: Michael Coughlan
RE: 98 Storrs Avenue**

Michael Coughlan, 98 Storrs Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407 and 701 to construct a 16' x 16' rear deck, which would not meet the minimum rear yard setback. The applicant seeks a permit, variance and/or finding that proposed alteration is not more detrimental to the neighborhood. The property is located at 98 Storrs Avenue, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 2033, Plot 33, and contains a land area of +/- 16,390 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, 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 26, 2016 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Calder and Richard McDonough, Members.

Evidence

Michael Coughlan, the petitioner and property owner, explained he is seeking to construct a 16' x 16' rear deck. Mr. Coughlan explained a variance is needed as the proposed deck will further encroach into the rear yard setback area by .3 feet. The petitioner's lot is pre-existing nonconforming, as provides only +/- 82 feet of lot depth, where 100 feet is required. The existing dwelling is nonconforming as the dwelling is 12 ft. from the rear yard lot line, where the zoning regulations require a rear yard setback of 30 ft. Accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

As far as the need for the variance, the existing single family dwelling is located 12 ft. from the rear yard lot line. The proposed deck would further encroach into the rear yard setback, resulting in a rear yard setback of 11.7 ft. The petitioner discussed that due to his unique lot shape, which is bordered by three roadways, and contains front and rear yard lot lines that are not parallel to one another, the placement of the deck is limited. In addition, Mr. Coughlan stated the deck could not be located on the left side of the dwelling due to the sloping topography. Furthermore, Mr. Coughlan presented photographic evidence, as requested by the Zoning Administrator and Planning Board, that the existing detached garage was not being utilized as a dwelling unit. The request for photographic evidence was due to the former owner of the property being subject to a cease and desist order issued in 2009 for an illegal dwelling unit in the garage. Lastly, the petitioner presented a letter of support from the immediate abutter closest to the proposed deck.

The applicant presented the plan entitled "Plan of Land in Braintree, Massachusetts" dated June 1, 2016 and prepared by Hoyt Land Surveying of Weymouth, MA.

The Planning Board submitted a favorable recommendation with conditions: 1.) The proposed deck shall not be constructed any closer than 12 ft. from the rear property line; 2.) Proposed deck to remain unenclosed; modifications that create living space or an enclosure will require relief from the ZBA; 3.) Provide evidence the detached garage is not being utilized as a dwelling unit; and 4.) Provide evidence of abutter support. Brian and Kathleen Macrina of 90 Cochato Road, submitted a letter of support, dated June 17, 2016. No one else spoke in favor of or opposition to the petition.

Findings

The Board found the petitioner had presented a hardship with respect to the unique lot size, as the property has three sides facing roadways and the front and rear lot lines are not parallel to each other. The Board also found, that due to the sloping topography on the left side of the dwelling, the deck is restricted to the proposed location. As a result of the hardship caused by the unique characteristics of the lot, the Board found the placement of the deck is limited. In addition, the Board found the proposed deck would be di minis relief, as the requested variance is .3 ft. further into the rear yard setback. The Board further found, based on a support letter from the only abutter to the property, the proposed deck will not be detrimental to the immediate

neighborhood. Lastly, the Board found that the requested relief could be granted without nullifying or derogating from the purpose and intent of the zoning by-laws.

Decision

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested variance from the minimum rear yard setback requirement, pursuant to Bylaw Section 135-407, in accordance with the plans submitted.

4) Petition Number: 16-27
Petitioners: Amanda & James Santagate
RE: 39 Sterling Street

This is a petition filed by Amanda and James Santagate, 39 Sterling Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403 and 701 to replace an existing rear deck with a new deck measuring 20' x 18.4'. 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 39 Sterling Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 3020, Plot 27, and contains a land area of +/- 6,746 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, 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 26, 2016 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Calder and Richard McDonough, Members.

Evidence

Amanda Santagate, the petitioner, said she is seeking to replace an existing 15' x 16' rear deck with a new deck measuring 20' x 18.4'. The original proposal included rear stairs off of the proposed deck. However, after discussions with the Zoning Administrator that the stairs would encroach into the rear yard setback and require a variance, the petitioner sought to move the stairs to the right side of the proposed deck.

The petitioner's lot is nonconforming, as it contains only 6,746 sq. ft. where 15,000 sq. ft. is required and offers only 65 feet of lot width, where 100 feet is required. The petitioner's existing dwelling is nonconforming as to the front yard setback; the dwelling (front porch) is located +/- 8.5 ft. from the front yard setback, while the Zoning Bylaw requires a front yard setback of 20 ft. Secondly, the existing dwelling is nonconforming as to the side yard setback; the dwelling (deck) is located +/- 3 feet from the left side yard lot line, while the Zoning Bylaw requires a side yard setback of 10 feet. However, the proposed deck will reduce the encroachment into the side yard setback, as it will be located 6.3 ft. from the left side yard lot line. As a result, the existing dwelling will be closer to the left side yard lot line than the deck. The existing dwelling is 4.5 ft. from the left side yard lot line, while the Zoning Bylaw requires a side yard setback of 10 feet. The proposed alteration will not create any new nonconformity; accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

As grounds for the finding, the petitioner noted the proposed deck will not generate any new zoning nonconformity. Secondly, the petitioner noted the proposed deck will slightly reduce the existing side yard setback nonconformity.

The applicant presented the plan entitled "Plot Plan of Land, 39 Sterling Street, Braintree, Massachusetts, Norfolk County", dated June 8, 2016 and prepared by Hoyt Land Surveying of Weymouth, MA.

The Planning Board submitted a favorable recommendation with conditions: 1.) Move the proposed rear deck stairs to the right side of the deck to alleviate the need for a variance; and 2.) Rear deck to remain unenclosed; modifications that create living space or an enclosure will require relief from the ZBA. Richard Brewer of 45 Sterling Street spoke in support of the petition. No one else 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. In addition, The Board found that the existing dwelling is pre-existing nonconforming in terms of the front and side yard setbacks. The Board also found that the proposed deck will not create any new zoning non-conformity. The Board further found the proposed deck will slightly decrease the existing side yard setback nonconformity. As a result, the Board found that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing nonconforming lot and 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.

- 5) Petition Number: 16-28**
Petitioners: Jean & Daniel O'Leary
RE: 28-30 River Street/0 Hooker Street

This is a petition filed by Jean and Daniel O'Leary, 11 Portland Road, Braintree, MA 02184 (Owners) for relief from Bylaw requirements under Chapter 135, Sections 403 and 701 to create two new lots from three pre-existing nonconforming lots; a determination that the two resulting lots will be less nonconforming than the existing three lots, one of which contains an existing two-family dwelling and the other, a proposed change from an office use to a two-family dwelling. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The properties are located at 28-30 River Street & 0 Hooker Street, Braintree, MA 02184. 28-30 River Street is located within a General Business Zoning District as show on Assessors Map 2024, Plot 5B, and contains a total land area of +/- 3,792 sq. ft. 0 Hooker is located within a General Business and Village Overlay District Zone, as shown on Assessors Map 2024, Plot 5, and contains total land area of +/- 6,906 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 26, 2016 at 7 p.m. Sitting on this case for the Zoning

Board of Appeals were: Stephen Karll, Chairman; Michael Calder and Richard McDonough, Members.

Evidence

Attorney Steve Guard, representing the petitioners/owners, discussed the petitioners are seeking to create two new lots from three pre-existing nonconforming lots. More specifically, the owner is seeking to divide 0 Hooker Street (6,906 sq. ft.), allocating 3,453 sq. ft. each to 28-30 and 32-34 River Street, respectively. Attorney Guard expressed the petitioners are seeking a determination from the Zoning Board of Appeals that the two resulting lots after the reconfiguration will be less nonconforming than the existing three lots, one of which contains an existing two-family dwelling and the other, a proposed change from an office use to a two-family dwelling. Attorney Guard discussed further the change in use at 28-30 River Street from offices to a two-family dwelling requires a Special Permit from the Planning Board. Mr. Guard mentioned he had submitted an application for the Special Permit on the behalf of the petitioners.

The petitioner's existing lot at 28-30 River Street is nonconforming, as it contains only 3,792 sq. ft., where 15,000 sq. ft. is required, provides only 39 feet of lot frontage, where 50 feet is required, provides only +/- 38.96 - 44 feet of lot width, where 100 feet is required, and provides only 92.95 feet of lot depth, where 100 feet is required. The petitioner's existing office building is nonconforming as to the side yard setback; the structure is located approximately +/- 1 foot (stairs/landing) from the left side yard lot line and 6.1 feet from the right side yard lot, while the Zoning Bylaw requires a side yard setback of 10 feet. The proposed alteration will not create any new nonconformity; accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

The petitioner's existing lot at 0 Hooker Street is nonconforming, as it contains only 6,906 sq. ft., where 15,000 sq. ft. is required, provides only 80.62 feet of lot width, where 100 feet is required, and provides only +/-86 feet of lot depth, where 100 feet is required. As such, reconfiguration of Hooker Street will allow 28-30 River Street to become more conforming with regard to lot area and depth; accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

As far as the request for a finding, Attorney Guard highlighted the consolidation to two lots will be less nonconforming with regard to lot size and depth than the existing three lots. In addition, a proposed major reduction in the amount of pavement on the property will significantly enhance the immediate neighborhood. Furthermore, by removing the current access point to the existing offices/two-family dwelling via 22 River Street, vehicular safety will be greatly enhanced. Lastly, Attorney Guard discussed more vehicular traffic on Hooker Street, in addition to the on-site improvements, may act as a catalyst toward improving the existing housing stock along Hooker Street. Member Calder inquired if any exterior remodeling or renovations would be undertaken. Mr. Guard responded that all improvements would be internal to 28-30 River Street. 32-34 River Street will not be changed. Chairman Karll inquired about the Planning Board recommendation to remove the existing front curb-cut. Attorney Guard felt the cost and time to remove the curb-cut could be difficult. As an alternative, Mr. Guard mentioned the petitioner would consider a small fence on their property to block any form of access.

The applicant presented the plan entitled "Certified Plot Plan, 28/30 and 32/34 River Street, Braintree, MA", dated June 17, 2016 and prepared by Stenbeck & Taylor, Inc. of Marshfield, MA. The applicant also presented a site plan entitled "Proposed Site Plan, 28/30 and 32/34

River Street, Braintree, MA”, dated June 17, 2016 and prepared by Stenbeck & Taylor, Inc. of Marshfield, MA.

The Planning Board submitted a favorable recommendation with the condition to remove the existing curb-cut in between 28-30 and 32-34 River Street. No one else spoke in favor of or opposition to the petition.

Findings

The Board found that the existing lot at 28-30 River Street is pre-existing nonconforming in terms of lot area, frontage, width and depth. The Board also found that 0 Hooker Street is pre-existing nonconforming in terms of lot area, width and depth. In addition, the Board found that the existing structure at 28-30 River Street is pre-existing nonconforming in terms of the side yard setbacks. The Board further found that the existing lot at 28-30 River Street contains portions that are less than 40% of the required minimum lot width pursuant to Bylaw Section 135-701(2) and that this non-conformity will be carried forward with the reconfiguration of 0 Hooker Street. The Board also found that the reconfiguration of 0 Hooker Street will establish frontage on Hooker Street for 32-34 River Street, in addition to River Street. However, the Board found that the resultant second means of frontage will be substantially less detrimental. The Board also found that the proposed new lot and proposed change from an office use to a two-family dwelling will not create any new zoning non-conformity. The Board further found the proposed changes will significantly increase the amount of provided open space, and improve the existing lot area and depth nonconformities. As a result, the Board found that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing nonconforming lot and 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 subject to the following conditions:

- 1.) The existing driveway off River Street not be utilized for vehicles and that any vehicular traffic enter or exit via Hooker Street; and
- 2.) The petitioner will seek to reasonably accommodate the request to remove the existing front curb-cut, as recommended by the Planning Board.

6) Petition Number: 16-29
Petitioners: Jean & Daniel O’Leary
RE: 32-34 River Street/0 Hooker Street

This is a petition filed by Jean and Daniel O’Leary, 11 Portland Road, Braintree, MA 02184 (Owners) for relief from Bylaw requirements under Chapter 135, Sections 403 and 701 to create two new lots from three pre-existing nonconforming lots; a determination that the two resulting lots will be less nonconforming than the existing three lots, one of which contains an existing two-family dwelling and the other, a proposed change from an office use to a two-family dwelling. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The properties are located at 32-34 River Street & 0 Hooker Street, Braintree, MA 02184. 32-34 River Street is located within a General Business Zoning District as show on Assessors Map 2024, Plot 5A, and contains a total land area of +/-

3,691 sq. ft. 0 Hooker is located within a General Business and Village Overlay District Zone, as shown on Assessors Map 2024, Plot 5, and contains total land area of +/- 6,906 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 26, 2016 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Calder and Richard McDonough, Members.

Evidence

Attorney Steve Guard, representing the petitioners/owners, discussed the petitioners are seeking to create two new lots from three pre-existing nonconforming lots. More specifically, the owner is seeking to divide 0 Hooker Street (6,906 sq. ft.), allocating 3,453 sq. ft. each to 28-30 and 32-34 River Street, respectively. Attorney Guard expressed the petitioners are seeking a determination from the Zoning Board of Appeals that the two resulting lots after the reconfiguration will be less nonconforming than the existing three lots, one of which contains an existing two-family dwelling and the other, a proposed change from an office use to a two-family dwelling. Attorney Guard discussed further the change in use at 28-30 River Street from offices to a two-family dwelling requires a Special Permit from the Planning Board. Mr. Guard mentioned he had submitted an application for the Special Permit on the behalf of the petitioners.

The petitioner's existing lot at 32-34 River Street is nonconforming, as it contains only 3,691 sq. ft., where 15,000 sq. ft. is required, provides only 43 feet of lot frontage, where 50 feet is required, provides only +/- 37 - 43 feet of lot width, where 100 feet is required, and provides only 92.95 feet of lot depth, where 100 feet is required. The petitioner's existing two-family dwelling is nonconforming as to the side yard setback; the structure is located approximately 6.9 feet from the left side yard lot line and 3.6 feet from the right side yard lot, while the Zoning Bylaw requires a side yard setback of 10 feet. Furthermore, the existing two-family dwelling is a pre-existing, nonconforming use. The proposed alteration will not create any new nonconformity; accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

The petitioner's existing lot at 0 Hooker Street is nonconforming, as it contains only 6,906 sq. ft., where 15,000 sq. ft. is required, provides only 80.62 feet of lot width, where 100 feet is required, and provides only +/-86 feet of lot depth, where 100 feet is required. As such, reconfiguration of Hooker Street will allow 32-34 River Street to become more conforming with regard to lot area and depth; accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

As far as request for a finding, Attorney Guard highlighted the consolidation to two lots will be less nonconforming with regard to lot size and depth than the existing three lots. In addition, a proposed major reduction in the amount of pavement on the property will significantly enhance the immediate neighborhood. Furthermore, by removing the current access point to the existing offices/two-family dwelling via 22 River Street, vehicular safety will be greatly enhanced. Lastly, Attorney Guard discussed more vehicular traffic on Hooker Street, in addition to the on-site improvements, may act as a catalyst toward improving the existing housing stock along Hooker Street. Member Calder inquired if any exterior remodeling or renovations would be undertaken. Mr. Guard responded that all improvements would be internal to 28-30 River Street. 32-34

River Street will not be changed. Chairman Karll inquired about the Planning Board recommendation to remove the existing front curb-cut. Attorney Guard felt the cost and time to remove the curb-cut could be difficult. As an alternative, Mr. Guard mentioned the petitioner would consider a small fence on their property to block any form of access.

The applicant presented the plan entitled "Certified Plot Plan, 28/30 and 32/34 River Street, Braintree, MA", dated June 17, 2016 and prepared by Stenbeck & Taylor, Inc. of Marshfield, MA. The applicant also presented a site plan entitled "Proposed Site Plan, 28/30 and 32/34 River Street, Braintree, MA", dated June 17, 2016 and prepared by Stenbeck & Taylor, Inc. of Marshfield, MA.

The Planning Board submitted a favorable recommendation with the condition to remove the existing curb-cut in between 28-30 and 32-34 River Street. No one else spoke in favor of or opposition to the petition.

Findings

The Board found that the existing lot at 32-34 River Street is pre-existing nonconforming in terms of lot area, frontage, width and depth. The Board also found that 0 Hooker Street is pre-existing nonconforming in terms of lot area, width and depth. In addition, the Board found that the existing structure at 32-34 River Street is pre-existing nonconforming in terms of the side yard setbacks. The Board further found that the existing lot at 32-34 River Street contains portions that are less than 40% of the required minimum lot width pursuant to Bylaw Section 135-701(2) and that this non-conformity will be carried forward with the reconfiguration of 0 Hooker Street. The Board also found that the reconfiguration of 0 Hooker Street will establish frontage on Hooker Street for 28-30 River Street, in addition to River Street. However, the Board found that the resultant second means of frontage will be substantially less detrimental. The Board also found the existing two-family dwelling is a pre-existing nonconforming use. The Board further found the proposed changes will significantly increase the amount of provided open space, and improve the existing lot area and depth nonconformities. As a result, the Board found that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing nonconforming lot and 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 subject to the following conditions:

- 1.) The existing driveway off River Street not be utilized for vehicles and that any vehicular traffic enter or exit via Hooker Street; and
- 2.) The petitioner will seek to reasonably accommodate the request to remove the existing front curb-cut, as recommended by the Planning Board.

APPROVAL OF MINUTES:

On a motion made and seconded, the Board voted 3-0 to accept the May June 28, 2016 meeting minutes.

EXECUTIVE SESSION:

On a motion duly made and seconded, the Board unanimously (3-0) voted enter into executive session.

On a motion duly made and seconded, the Board unanimously (3-0) voted close the executive session.

The Board adjourned the meeting at 8:30 pm.