



BOARD OF APPEAL UNDER THE ZONING BY - LAW

BRAINTREE, MASSACHUSETTS

AGENDA

July 22, 2019

The Zoning Board of Appeal will meet on **Monday, July 22, 2019 at 6:00 P.M. Executive Session** and **7:00 P.M. Regular Session** at Town Hall, Johnson Chambers, One JFK Memorial Drive, Braintree, Massachusetts 02184 to conduct the following items of business and hear the following petitions:

EXECUTIVE SESSION

Pursuant to MGL Chapter 30A Section 21(a)(3) for the purpose of discussing strategy with respect to litigation if in an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares to discuss the strategy with respect to the Town's Motion for Reconsideration filed in Town of Braintree ZBA and 383 Washington Street, LLC, Housing Appeals Committee Case No. 2107-05 regarding the Housing Appeals Committee Interlocutory Decision Regarding Safe Harbor.

OLD BUSINESS

Petition #19-14

126 Jefferson Street

Yiu Hung Chan, 7 Mosesso Drive, Holbrook, MA 02343 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407 and 701 to modify ZBA Decision No. 17-13 to reduce the size of proposed new two-story, single family dwelling from +/- 2,120 sq. ft. to +/- 1,268 sq. ft. building footprint; proposed project would intensify pre-existing nonconforming lot area and width. The applicant seeks a permit, variance and/or finding that the proposed project is not more detrimental to the neighborhood. The property is located at 126 Jefferson Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 1045, Plot 21 and contains a land area of +/- 9,027 sq. ft.

CONTINUED PUBLIC HEARING

Petition #19-23

519 Washington Street

Emmanuel Episcopal Church (property owner) and IDIIL Learning Center, 128 Hyde Street, Newton, MA C/o Daniela Tudose (proposed tenant) at 519 Washington Street for relief from Zoning Bylaw requirements under Chapter 135, Sections 135-403, 407 and 806 (b)(c) for relief from required parking as a new daycare use and approval to utilize existing church parking spaces. The applicant seeks a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The property is located at 519 Washington Street, Braintree, MA 02184 and is subject to split zoning Residence B & C Districts, as shown on Assessors Map 2029, Plots 18 & 17, with combined land area of +/- 19,227 sq. ft.

NEW PUBLIC HEARINGS

Petition #19-24

72 Brookside Road

Debra MacKenzie, 72 Brookside Road, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135 Sections 135-403, 407, and 701 to construct a second story addition on an existing residential structure (footprint 2,280 SF). The existing structure is deficient of the required front yard setback. The applicant seeks a variance and/or findings that the proposed project will not be more detrimental to the neighborhood. The property is located at 72 Brookside Road, Braintree, MA 02184 and is zoned Residence B, as shown on Assessors Map 3005, Plot 25A and contains a total land area of +/- 13,100 SF.

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Reasonable accommodations will be provided for persons with disabilities. To request accommodations, please call Braintree's ADA Coordinator at 781-794-8327 at least seven business days in advance. Arrangements will be provided at no cost.

Petition #19-25
282 Middle Street

Kara Bendery, 282 Middle Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Sections 135-403, 407 and 701 to construct a 16' x 15.5'(248 SF) deck at the rear of the existing dwelling. The deck is proposed to be 1.2 LF from the property line and is deficient of the required 10' LF side yard setback. The applicant seeks a permit, variance and/or finding that the proposed project is not more substantially detrimental to the neighborhood. The property is located at 282 Middle Street, Braintree, MA 02184 and is zoned Residential B, as shown on Assessors Map 2011, Plot 02 and contains a land area of +/- 5,710 SF.

Petition #19-26
715 West Street

Attorney Kimberly A. Bielan of Moriarty, Troyer & Malloy, LLC representing Sara Heurlin-Frazier et al, 715 West Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Sections 403, 407, 701 and 702 for a construction of a two story 15x23.9 addition (358 SF), a 5.9x8 entry (47.2 SF), a 18x32 LF deck (582 SF) and a proposed 24x34 LF (816 SF) two car garage all connected to an existing non-conforming residential structure. The applicants seek a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The property at 715 West Street is zoned Open Space Conservancy and lies within the Watershed Protection Overlay District as shown on Assessors' Map 2053D, Plot 3 and contains a total land area of +/- 18, 709 SF.

Petition #19-26A
715 West Street

Attorney Kimberly A. Bielan of Moriarty, Troyer & Malloy, LLC representing Sara Heurlin- Frazier et al, 715 West Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Sections 403, 407, 701 and 702 to address the lot and building setback zoning deficiencies as a result of reconfiguring the existing lot through an Approval Not Required Plan (ANR) into a new lot. The existing residential structure on the new lot was previously non-conforming as to the residential use and will continue this use with the newly created lot. The applicants seek a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The property at 715 West Street is zoned Open Space Conservancy and lies within the Watershed Protection Overlay District as shown on Assessors' Map 2053D, Plot 3 and contains a total land area of +/- 18,730 SF.

Petition #19-26B
725 West Street

Attorney Kimberly A. Bielan of Moriarty, Troyer & Malloy, LLC representing Carol Ann Heurlin Connors et al, 725 West Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Sections 403, 407, 701 and 702 to address the lot and building setback zoning deficiencies as a result of reconfiguring the existing lots through an Approval Not Required Plan (ANR) into a new lot. The existing residential structure on the new lot was previously non-conforming as to the residential use and will continue this use with the newly created lot. The applicants seek a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The property at 725 West Street is zoned Open Space Conservancy and Highway Business and lies within the Watershed Protection Overlay District as shown on Assessors' Map 2053D, Plot 2A and contains a total land area of +/- 47,916 SF.

Petition #19-27
1535 Washington Street

Trustees of Thayer Academy, Julaine McInnis, 745 Washington Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Section 135-904.2 for their property at 1535 Washington Street to erect six (6) wayfinding/ground signs totaling 384 SF located throughout the site, six (6) 16'x4'(64 SF) Duratex mesh banners/wall signs to hang from the athletic complex along with a 127.3 SF wall sign also on the west side of the new athletic complex located on the site. The applicants seek a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The properties involved with the erection of signs are 1535 Washington Street, zoned Watershed Highway Business, as shown on Assessors' Map 1053 Plot 12h contains a total land area of 12.3 (+/-) acres and 0 Washington Street, zoned Watershed Highway Business as shown on Assessors' Map 1050 Plot 14 contains a total land area of 18,861(+/-) SF.

Any other matters which the Chairman did not reasonably anticipate at the time of posting the meeting.