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ZONING BOARD of APPEALS

Steven Karll, Chair
Michael Ford, Member
Richard McDonough, Member
Gary Walker, Alternate
Tim Burke, Alternate

January 24, 2022
Zoning Board of Appeals Minutes
Cahill Auditorium – Town Hall
1 JFK Memorial Drive

APPROVED

Present: Stephen Karll, Chairman
Michael Ford, Member
Richard McDonough, Member
Gary Walker, Alternate
Timothy Burke, Alternate
Connor R Murphy, Zoning Planner

Meeting Commenced at 7:00 P.M.

Chairman Stephen Karll called the meeting to order. Chairman Stephen Karll introduced all members of the Zoning Board of Appeals including staff members. Chairman Karll stated to the public in attendance that items would be brought up in the order they appear on the agenda.

NEW PETITIONS

Petition #21-30
540 Granite Street

Chairman Karll reads the Legal Notice into record:

“Heather Dudko, Applicant, on Behalf of Chase Bank, for relief from Bylaw Requirements under Chapters 135-407 and 135-904.1, for the installation of a 14.1 Ft x 2.63 Ft (37 Square Feet) Wall Sign and 2 wall signs (5.2 Square Feet) of directional signage. The Applicant seeks a Variance as no more than one wall sign is allowed in a General Business Zone. The property is located at 540 Granite Street, Braintree, and is zoned General Business District as shown on Assessors Map 2040 Plot 3A with a land area of 25,265 Square Feet.”

Chairman Karll states he is satisfied that abutters have been properly notified. Chairman Karll confirms that members Michael Ford and Timothy Burke will be sitting on this Application

with Richard McDonough serving as the Alternate. Chairman Karll calls on the Applicant to present.

Chairman Karll stated the Staff Recommendation on this Application is approval with conditions. Chairman Karll calls on the Applicant to present.

Ms. Heather Dudko was present before the Zoning Board of Appeals as a representative of Philadelphia Sign Company. Ms. Dudko explained to the 'Board that the property at 540 Granite Street is being re-used as a bank with a new tenant, Chase Bank. As explained by Ms. Dudko, Chase Bank is seeking to install an additional wall sign to the building, which will require a Variance for the number of wall signs in a Highway Business Zone. Ms. Dudko goes over the overall sign package for this location, stating that one wall sign and ground is permitted by right. The Wall Signs on either side of the building will be the same square footage of 37 Square Feet. In addition, there will be 2 minor wall signs for the drive thru Ms. Dudko explained as there is a 24 Hour ATM.

Chairman Karll states that the signage is needed given the orientation of the corner lot and 5 corner intersection. Chairman Karll questions the Applicant as to whether there are any new branches in the area. Ms. Dudko states she is unaware but there is potential for other locations. Zoning Planner Connor R Murphy stated to Chairman Karll there is a new location in North Quincy that mirrors the improvements being sought under this Application.

Chairman Karll stated this is a new branch and the signage will assist users of the site to navigate in addition to help calm some of the access issues within the vicinity of the site. Chairman Karll calls on other members of the board for any questions or comments. Member Michael Ford states he does not have any questions yet would like the 'Board to note that the sign bylaw could be refreshed for Corner Lots. Chairman Karll agrees with Members Fords statement. Member Timothy Burke questions the Applicant as to whether the Appearance of the building will be altered. Ms. Dudko states per the plans submitted, the appearance of the building will be refreshed.

Chairman Karll called on members of the public for any support or opposition of the Applicants request. No one from the public wished to provide testimony. Chairman Karll stated the 'Board shall entertain a motion to close the Public Hearing. Motion made by Member Ford, Seconded by Member Burke, to close the Public Hearing.

Chairman Karll opens for discussion with members of the 'Board. Member Ford Motioned to Approve the requested Variance pursuant to the hardships detailed in the Application, the conditions as proposed by staff, and subject to the plans presented. Motion seconded by Member Timothy Burke. All in Favor: S. Karll – Aye, M. Ford – Aye, T. Burke – Aye.

Chairman Karll calls on the Applicant for 36 Watson Street.

**Petition #21-31
36 Watson Street**

APPROVED

APPROVED

Chairman Karll reads the legal notice into record:

“Matthew McLean, Applicant, for relief from Bylaw Requirements under Chapters 134-403 and 135-701 for the construction of an 18 Ft x 20 Ft (360 Square Feet Footprint) two story addition to the Non-Conforming Single Family Dwelling. The Applicant seeks a Finding as the proposed addition will have a Side Yard Setback of 6.4 Feet where 0.85 Feet is existing and 10 Feet is required. The property is located at 36 Watson Street, Braintree, and is zoned Residence B as shown on Assessors Map 2011 Plot 68 with a land area of 5,000 Square Feet.”

Chairman Karll states he is satisfied that abutters have been properly notified. Chairman Karll confirms that members Michael Ford and Richard McDonough will be sitting on this Application with Timothy Burke serving as the Alternate. Chairman Karll calls on the Applicant to present.

Mr. Matthew McLean was present before the Zoning Board of Appeals. Mr. McLean explained to the 'Board he was seeking to perform a two story addition to the Single Family Home. Mr. McLean further added that the existing house has two bedrooms and there is a need within his family for more living space. The proposed addition would offer a den and study on the first floor with a master bedroom on the second floor as stated by Mr. McLean. Mr. McLean further added that the dwelling is pre-existing Non-Conforming with respect to the side yard setback of .85 Feet and the proposed addition will have a Side Yard setback of 6.4 Feet which neccissitates the need for a Finding.

Chairman Karll stated if there are any questions or comments from the 'Board at this time. Members Michael Ford and Member Richard McDonough stated they had no concerns at the time.

Chairman Karll called on members of the public in attendance to offer any support or opposition. Heather Zeporetsky of 22 Watson Street offered support for the requested relief. No one from the public offered opposition. Chairman Karll stated they shall entertain a motion to close the Public Hearing. Motion made by Member Ford to close the Public Hearing, Seconded by Member Richard McDonough.

Chairman Karll states the board shall discuss this matter. Chairman Karll further stated he sees no detriment with this proposal. Chairman Karll read into record the letters of support submitted with the Application from Kevin McHugh of 22 Watson Street and Steven Mahoney of 33 Watson Street.

Member Michael Ford stated the neighborhood has always provided great support for improvements being made to the area. Member Ford further added that this project matches the existing neighborhood. Member Richard McDonough stated he does not see any issues with this proposal.

Chairman Karll stated to the 'Board shall entertain a motion on this matter. Member Michael Ford motioned to Approve the requested Finding pursuant to the Plans submitted, with conditions as proposed by staff, and that the project was not substantially more detrimental than the existing Non-Conforming use. Member Richard McDonough seconded the motion. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll stated to the Applicant to work with staff regarding the decision and actions to follow.

Chairman Karll called on the next Applicant for 144 Allen Street.

APPROVED

**Petition #19-13
144 Allen Street**

Chairman Karll reads the legal notice into record:

“Mark Bogan FBO₁₄₄₄ MPB Nominee Trust through Brian Palmucci, Applicant, for Relief from Bylaw Requirements under Chapter 135-308, 135-407, and 135-701, for the construction of a 82 Ft x 48 Ft (7, 872 Square Feet) 2.5 Story commercial building, consisting of six (6) contractor bays. The Applicant seeks Variances to construct on a Commercial Zoned Lot that does not meet the dimensional requirements. The prior decision issued on May 20, 2019 for the aforementioned relief was never exercised and thus lapsed. The property is located at 144 Allen Street, Braintree, and is within a Residential B and Commercial Zoning Districts, as shown on Assessors Map 3008 Plot 3 and contains a land area of 22,364 Square Feet.”

Chairman Karll states he is satisfied that abutters have been properly notified. Chairman Karll confirms that members Michael Ford and Richard McDonough will be sitting on this Application with Gary Walker serving as the Alternate. Chairman Karll read into record the Staff Recommendation of Approval with Conditions.

Chairman Karll calls on the Applicant to present.

Chi Man, Civil Engineer for the Applicant, presented before the Zoning Board of Appeals on behalf of the Applicant, Mark Bogan of FBO₁₄₄₄ MPB Nominee Trust.

Mr. Man presented to the Zoning Board of Appeals the request to develop a commercial building on an undersized commercial lot that is split zoned between Residence B and Commercial zoning Districts. The Commercial lot is undersized as it does not have the required: Lot Area as 22,364 Square Feet is existing and 40,000 Square Feet is required; Lot Width as 121.17 Feet is provided and 150 Feet is required; Frontage as 121.17 Feet is provided and 150 Feet is required; Lot Depth as 151.22 Feet is provided and 200 Feet is required. The Parcel can be entirely used for commercial purposes pursuant to Chapter 135-306 of the Braintree Zoning Bylaw as the most restricted portion of such lot is entirely within 150 feet of the district dividing boundary line. Mr. Man stated to the 'Board that relief had been requested for this property on May 20, 2019 and lapsed in August of 2021. Mr. Man further added the Applicant is

seeking the same relief. The property has received Approvals from the Planning Board and Conservation Commission for the improvement depicted in the plans submitted. Mr. Man highlighted the requests from the Planning Board for buffer plantings to the Western portion of the site abutting the Residence B Zone. In addition, Plantings were added along the riverfront to the Monatiquot River at the request of the Conservation Commission.

Mr. Man demonstrated the plans submitted with the Application to the Zoning Board of Appeals. Mr. Man highlighted the 2 tiered floor plans for the proposed commercial building. The front portion of the building will be accessed by a curb cut on Allen Street providing three (3) independent contractor bays. The rear and lower level of the commercial building will host the an additional three (3) contractor bays with access provided by a ten foot Right of Way stemming from 130 Allen Street. The rear of the parcel is bounded by Twenty Foot wide Sewer Easement, the MBTA Commuter Rail, and the Monatiquot River.

Chairman Karll called on the Zoning Planner to state the Staff Recommendation. Zoning Planner stated the Department is recommending Approval with Condition's. The Zoning Planner offered support for the requested relief as the Applicant is citing that Section 135-106 allows the lot to be used for commercial purposes. Granting relief from the Commercial zoning districts dimensional regulations is within the spirit and intent of the zoning bylaws as the lot was partially zoned for commercial use at the size it currently exists.

Mr. Mark Bogan spoke before the Zoning Board of Appeals stating the lapse of the prior decision was an oversight as part of this process and should have requested a 6 month extension. Mr. Bogan further stated he was committed to performing the improvements and project. Mr. Bogan stated the project should be starting in the spring.

Mr. Thomas Bowes of 19 Sheppard Ave offered support of the request relief. Mr. Bowes stated that Mr. Bogan has been a great a neighbor and has answered many questions in regards to this project. Mr. Bowes further added that the Applicant is making an improvement to the area as they are cleaning up a blighted property. There was nobody in opposition of the relief requested at the January 24, 2022 Meeting.

Chairman Karll stated they shall close the Public Hearing, with a Motion made by Member Michael Ford and Seconded by Richard McDonough.

Chairman Karll stated they shall entertain a motion on this Application. Member Michael Ford Motioned to Approve the requested Variance pursuant to the hardships of the lot, based on conditions as proposed by staff and subject to the plans presented. Motion Seconded by Member Richard McDonough.

Chairman Karll called on the Applicant for 16-18 Pearl Street.

APPROVED

**Petition #19-19
16-18 Pearl Street**

Chairman Karll read the legal notice into record:

“James Cranston, Applicant, on behalf of the property owner, McDonalds Real Estate Co., for Relief from Bylaw Requirements under Chapters 135-407, 135-613, 135-904.1, 135-904.6 and 135-905 to remove and replace the existing 34 Square Feet front wall sign, install two (2) new 14 Square Foot Wall Signs, and two (2) new directional signs. The Applicant seeks Variances for the proposed signage. The prior decision issued on June 24, 2019 for the aforementioned relief was never exercised and thus lapsed. The property is located at 16-18 Pearl Street, and is zoned General Business District and within the Village Overlay District, as shown on Assessors Map 1006 Plot 31 with a land area of 25,600 Square Feet.”

Chairman Karll states he is satisfied that abutters have been properly notified. Chairman Karll confirms that members Michael Ford and Richard McDonough will be sitting on this Application with Gary Walker serving as the Alternate. Chairman Karll read into record the Staff Recommendation of Approval with Conditions.

Chairman Karll calls on the Applicant to present.

James Cranston of Bohler Engineering, was present before the Zoning Board of Appeals on behalf of the property owner, McDonalds Real Estate Company.

Mr. James Cranston presented plans to the Zoning Board of Appeals for improvements to be made at the existing Fast Food Establishment. The proposed improvements as depicted in the plans submitted with the Application, demonstrate an upgrade to the signage at the existing site. In addition, there are improvements that will be made to the landscaping and site as well as the façade of the building. Mr. Cranston stated that the property was before the Zoning Board of Appeals on June 24, 2019 and received approval. However, the project was put on hold during the Covid-19 Pandemic and the relief that was granted had lapsed without an extension being sought.

Mr. Cranston discussed the hardships of the site at 16-18 Pearl Street with the Zoning Board of Appeals. The lot itself is Non-Conforming in nature and is irregularly shaped. In addition, the lot has frontage along two public ways, Washington Street and Pearl Street. Mr. Cranston further added that the structure in relation to the irregularly shaped lot, calls for an increase in signage.

Mr. Cranston explained what relief is being requested:

Wall Signs Proposal requiring relief under ZBL Section 904.1 (A.5 – Walls Signs) – General Business Zone

1) Four (4) wall signs in total and the additional quantity of wall signs require relief and are granted. At the front of

the building there will 1 “McDonalds” sign totaling 32.8 SF and welcome sign 2.5 SF and a secondary front wall

sign M” Logo that will be 14 SF both signs dimensions and design are shown of the record set of plans.

2) The east side of the building will have 1 M-logo wall sign that will be 14 SF is granted as shown on the record set of plans.

Wall Signs Proposal requiring relief under ZBL Section 904.6 (Wall Signs) – Village Overlay

1) The proposed “M logos two (2) in quantity are all 3’-6” LF relief as to the height of the required 2’ LF is granted as shown on the record set of plans.

Ground Sign Proposal requiring relief under ZBL Section 904.1 (A.1 Ground Signs) – general Business

1). The existing Freestanding Ground Sign at street to remain as is today. The proposed ground signs are to replace the existing “enter” and “exit” signs. The additional new signage as to quantity is granted relief as shown on the record set of plans.

Chairman Karll called on members from the public to provide any testimony. There was nobody in attendance to offer support or opposition to the relief requested.

Chairman Karll stated they shall close the Public Hearing, with a Motion made by Member Michael Ford and Seconded by Richard McDonough.

Chairman Karll stated they shall entertain a motion on this Application. Member Michael Ford Motioned to Approve the requested Variance pursuant to the hardships of the lot, based on conditions as proposed by staff and subject to the plans presented. Motion Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye.

Chairman Karll Stated the ‘Board shall entertain a motion to close the meeting. Motion made by member Michael Ford, Seconded by Member Gary Walker. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye, G. Walker – Aye and T. Burke – Aye.

Meeting Adjourned at 8:04 PM.

APPROVED