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ZONING BOARD of APPEALS

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

May 23, 2022
Zoning Board of Appeals Minutes
Cahill Auditorium – Town Hall
1 JFK Memorial Drive

APPROVED

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

Absent: Timothy Burke, Alternate

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. Member Richard McDonough announces that he will be absent from the June ZBA Meeting.

OLD BUSINESS

Petition #22-05
341 Franklin Street

Chairman Karll states Petition #22-05 will be continued without testimony to the June 27, 2022 per the Applicants request. Member Michael Ford motioned to continue to the June 27, 2022 Meeting. Motion Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll calls on the Applicant for Petition #22-12, 375 & 382 Granite Street.

Petition #22-12
375 & 381 Granite Street

Attorney Johnson directed board members to the revised plan labeled as "Alternative A". Attorney Johnson stated that this plan removed the need for a Variance for Parcel B's Lot Depth. Attorney Johnson stated to the 'Board that there would be a need for Variances from the required Lot Depth, The Required Lot Size and from note two of Chapter 135-701 Notes. Attorney Johnson reiterates to the 'Board the desire to relocate the utility services and create new connections with proper easements. Attorney Johnson speaks to the financial costs of the site between the grading work that is need in addition to the cost of relocating the utilities.

Chairman Karll asks the Applicant how many easements they would need. Attorney Johnson depicts on the plans that the utilities would run along the 40 Foot Right of Way to laterally offset to the proposed properties. Chairman Karll discusses with the Applicant if they sought to purchase the abutting property at 385 Granite Street. Attorney Johnson stated that the individual of the property was not interested in selling at the time.

Attorney Johnson spoke to the language of Massachusetts General Law Chapter 40A Section 10 with reference to the Applicant's request, noting that 84 percent of the surrounding lots were of the same lot area. The Character of the neighborhood was set when laid out at 20,000 Square Feet - a lot at 25,000 Square Feet would be outside the character of the neighborhood.

Member Michael Ford questions as to why the Split Lot Provision could not be applied to Parcel B as it is with Parcel C. Assistant Director for the Department of Planning and Community Development clarified to Member Ford that the least restrictive zone line would have to lie within 150 Feet of the parcel and the distance is greater than the latter.

Chairman Karll called on members of the Public for testimony in support or in opposition of the requested relief. No one from the public chose to speak on the matter.

Chairman Karll stated the 'Board shall entertain a motion to close the Public Hearing. Member Michael Ford Motioned to close the Public Hearing. Seconded by Member Richard McDonough.

APPROVED

Chairman Karll directed to members of the 'Board to discuss this matter. Chairman Karll stated this is a difficult piece of land and doesn't see how anything else can be accomplished without the need for relief. Member Ford states to the 'Board that at first there were reservations with this request. However, the spirit of the Zoning Bylaws can be met with this proposal. Member Richard McDonough commends the Applicant for facilitating an alternate design that removes the necessity for a Variance from the required Lot Depth. Member McDonough further added that the Applicants proposal is a tremendous improvement to the site.

Member Michael Ford motioned to Approve the requested Variances for Parcel B's Lot Area, Lot Width and Note 2 of Section 135-701 pursuant to the sites irregular shape and steeping topography, subject to the plans submitted and conditions as proposed by staff. Member Richard McDonough seconded Member Fords Motion. All in Favor: S. Karll - Aye, M. Ford - Aye, R. McDonough - Aye.

Chairman Karll stated the board will move to the New Petitions on the Agenda and calls on the Applicant for Petition #22-14, 200 Grossman Drive.

NEW PETITIONS

Petition #22-14
200 Grossman Drive

APPROVED

Chairman Karll reads the Legal Notice into record:

“Jennifer Ronneburger, Applicant, for relief from Bylaw Requirements under Chapters 135-407, 135-904.2, 135-905 for the installation of two wall signs to the retail establishment. The Applicant seeks Variances for the proposed signs that exceed the requirements for wall signs in a Highway Business Zone. The property is located at 200 Grossman Drive, Braintree, and is zoned Highway Business District as shown on Assessors Map 2019 Plot 4-1 with a Land Area of 34.36 Acres.”

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

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

Mrs. Jennifer Ronneburger presented plans to the Zoning Board of Appeals to install two wall signs to the existing retail building at 200 Grossman Drive. Mrs. Ronneburger states that the Applicant is seeking approval to install two wall signs with a combined square footage of 229 Square Feet. Mrs. Ronneburger stated that the style of the proposed signs are stacked in nature and condensed when measuring each letter. Chairman Karll clarifies to Mrs. Ronneburger that the Board looks at the total area of all signs. Mrs. Ronneburger states relief is needed for the number of wall signs, the height of each sign and the total area of the signs. Mrs. Ronneburger states the height of the main ID Sign “Amazon Fresh” is 11.9 Feet in height while the height of the “Just Walk Out Shopping” sign is 8 Feet.

Mrs. Ronneburger explains to the Zoning Board of Appeals that this is a very large site that features multiple buildings that face along Route 3. Mrs. Ronneburger further added that the sign is meant to capture the view of the travelers arriving to the site along Route 3 and to navigate the site. Mrs. Ronneburger highlighted the access to the site is provided by a drive aisle along the Eastern portion of the site and requires an enlarge wall sign to alert patrons of the stores location.

Chairman Stephen Karll questioned the Applicant as to the slogan that is proposed. Mrs. Ronneburger clarified that the slogan is to match the style of the store. The Assistant Director of Planning and Community Development stated to the chairman that the chain would offer shopping without the need of physically checking out with a cashier. Member Michael Ford

questioned the Applicant if there would be signage along the rear of the building. Mrs. Ronneburger stated there would not be any signage along the rear.

Chairman Karll called on members of the public for any testimony regarding this request. No one from the public offered testimony in favor or in opposition of the requested relief.

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

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 lots, based on conditions as proposed by staff and subject to the plans presented. Motion Seconded by Member Gary Walker. All in Favor: S. Karll – Aye, M. Ford – Aye, G. Walker – Aye.

Chairman Karll calls on the Applicant for 150 Granite Street.

**Petition #22-15
150 Granite Street**

APPROVED

Chairman Karll reads the legal notice into record:

“Stonegate Long Way 2022 LLC, Applicant, for relief from Bylaw Requirements under Chapters 135-407, 135-701, 135-707, 135-904.2 and 135-905 to construct a 100 Square Foot single story addition, a 235 Square Foot single story addition and signage to the existing retail building. The applicant seeks variances as the proposed 100 Square Foot addition will have a Front Yard Setback of 42 Feet where 50 Feet is required and to increase the sites Building Coverage from 25.3% to 25.7% where only 25% is allowed. The Applicant also seeks a variance for the proposed signs that exceed the requirements for wall signs and window signs in a Highway Business Zone. The property is located at 150 Granite Street, Braintree, and is zoned Highway Business District as shown on Assessors Map 2056 Plot 6B with a Land Area of 1.8 Acres. “

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 added that the Staff Recommendation on this matter was Approval with conditions. Chairman Karll calls on the Applicant to present.

Attorney Frank Marinelli presented to the Zoning Board of Appeals the request to construct a 100 Square Foot Addition to the existing Non-Conforming commercial structure in addition to multiple wall signs. Attorney Marinelli stated he is appearing on behalf of Long Jewelers of Stonegate Long Way 2022 LLC. Attorney Marinelli detailed to the 'Board that Longs Jewelers has been in Braintree for dozens of years at the South Shore Plaza. Attorney Marinelli shared images with the Zoning Board of Appeals of the Original Long Jewelers Building from 1961. Attorney Marinelli further added that the Applicant purchased the property at 150 Granite Street to rehabilitate the building for their new location in Braintree. As demonstrated on the

plans submitted, Attorney Marinelli spoke to the aesthetic improvements that will be made as part of this request. In addition to the 100 Square Foot bump out to North Street, the Applicant will be constructing a 235 Square Foot addition along the front of the building to Granite Street. Attorney Marinelli stated the Applicant seeks a variance for the Front Yard Setback to North Street as the 100 Square Foot bump out to North Street will have a Front Yard Setback of 42 Feet where 50 Feet is required. Attorney Marinelli further added that he Applicant seeks a Variance to increase the sites Building Coverage from 25.3% to 25.7% with the 335 Square Feet building additions.

Attorney Marinelli spoke to the lot's conformance with Section 135-701 of the Braintree Zoning Bylaw yet noted the lots irregular trapezoidal shape as a site specific hardship in support of the Applicants Variance request. Attorney Marinelli added that there is no substantial detriment here as the Applicant is seeking to make an investment and drastic improvement to the property further adding that the building has not had any renovations in about 50 Years.

Attorney Marinelli presented plans that offer an improved aesthetic appearance to the property with an updated landscaping design within the Front Yard Setbacks to North Street and Granite Street. In addition, the envelope of the building will be re-designed to what is depicted in the Architectural elevations submitted. Attorney Marinelli spoke to the signage that is proposed for this location which requires relief. Attorney Marinelli stated there are three wall signs proposed, one along North Street with the tenant's name, and two along Granite Street Façade for the tenants name and product name. Attorney Marinelli further described the window signage being sought. All three wall signs total 81 Square Feet in area which is less than the maximum of 150 Square Feet pursuant to Section 145-904.2(A)(5)(g). There are several window signs proposed that will advertise various products being offered by the jeweler which will be 15 Square Feet in area each as demonstrated by Attorney Marinelli with plans submitted.

Chairman Stephen Karll questioned the 'Board if there are any comments or questions at this time. Member Ford stated he did not have questions at this time.

Chairman Karll opened to members of the audience for testimony regarding the relief requested. No one from the public offered any testimony in favor or in opposition of the relief requested.

Chairman Karll stated the 'Board shall entertain a motion to close the Public Hearing. Motion to close the Public Hearing made by Member Michael Ford and Seconded by Member Richard McDonough.

APPROVED

Chairman Stephen Karll stated the 'Board shall open for discussion. Alternate Member Gary Walker questioned the Applicant in regards to who else will be occupying the remaining space within the existing building. Attorney Marinelli stated the tenant for the remaining area has not been chosen but would be a business in kind with Long Jewelers. Member Michael Ford stated that the Applicants request is in good nature and that the addition of the business will help with rejuvenating the Granite Street corridor. Member Michael Ford further added that the Applicant's Variance Request is supported by the sites irregular shape. Member Richard

McDonough agreed with Member Ford that the business and additions would compliment the Granite Street Corridor.

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 lots, 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, R. McDonough – Aye.

Chairman Karll called on the next Applicant for 7 Bellevue Avenue.

**Petition #22-16
7 Bellevue Avenue**

APPROVED

Assistant Director Connor R Murphy stated to the Board that the Applicant has requested the Public Hearing be opened and continued without Testimony to the June 27, 2022 Meeting.

Chairman Karll reads the legal notice into record:

“Daniel and Mindy O’Leary, Applicant, for Relief from Bylaw Requirements under chapters 135-402, 135-403, 135-609, and 135-701, to demolish an existing portion of the Single Family Dwelling and construct a two story addition within the Non-Conforming Rear Yard Setback. The Applicant seeks a Finding as the existing Single Family Dwelling has a Non-Conforming Rear Yard Setback of 25.8 Feet and 30 Feet is required. The property is located at 7 Bellevue Avenue, Braintree, and is zoned Residence B and within the Watershed Protection District as shown on Assessors Map 1091 Plot 13 with a land area of 9,914 Square Feet. “

Member Michael Ford motions to continue this matter to the June 27, 2022 Meeting. Motion Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll called on the Applicant for 2016 Washington Street.

**Petition #22-17
2016 Washington Street**

Chairman Karll read the legal notice into record:

“Roger Danh Nguyen, Applicant, for relief from Bylaw Requirements under chapters 135-403, 135-609, 135-701 and 135-707 to construct a second story addition and front porch to the Non-Conforming Single Family Dwelling. The Applicant seeks Findings as the proposed porch and second floor addition will alter and extend the Non-Conforming Rear Yard Setback of 27.7 Feet where 30 Feet is required. The property is located at 2016 Washington Street, is zoned Residence B and within the Watershed Protection District, as shown on Assessors Map 1037A Plot 12 with a land area of 9,665 Square Feet.”

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

APPROVED

Chairman Karll calls on the Applicant to present.

Mr. Roger Danh Nguyen, Applicant, was present alongside their Architect, Jim Chen of JCBT, for the construction of a second story addition and to construct a front porch. Mr. Chen stated to the Zoning Board of Appeals that they need relief to construct the second story addition along the Non-Conforming Rear Yard Setback of 2737 Feet. Mr. Chen spoke to the existing Single Family Dwelling which is a single story A Frame Ranch that Mr. Nguyen has lived in since 2010. Mr. Nguyen stated the increase in space was need to accommodate his Family. Mr. Chen Further added the addition would be modest and compliment the neighborhood.

Chairman Stephen Karll questioned the 'Board if there are any comments or questions at this time. Member Ford questioned the purposed of the attic. The Applicants Architect stated it was a walk up attic that will remain unfinished.

Chairman Karll opened to members of the public for testimony regarding the relief requested. No one from the public offered any testimony in favor or in opposition of the relief requested.

Member Michael Ford offered opposition to the proposed wall up attic and design with dormers. Assistant Director Connor R Murphy stated to the 'Board that the Applicant ahs revised the design of the attic prior to filing the Application. The Assistant Director further added that the guidance given was to help preserve the massing of the dwelling while keeping the homeowners intent in kind. The Assistant Director suggested to Member Ford that there could be a condition to have the Attic remain unfinished as part of any approval. Member Ford stated that would be acceptable.

Chairman Karll stated the Board shall entertain a motion to close the Public Hearing. Member Ford motioned to close the Public Hearing, Seconded by Member Gary Walker.

Chairman Karll stated there does not seem to be any issues with this request. Chairman Karll confirms with the Applicant that they have reviewed the conditions as proposed by staff.

Chairman Karll states they shall entertain a motion on this Application. Member Michael Ford motioned to approve the request Finding as the proposed second story addition and porch was not substantially more detrimental than the existing Non-Conformity, subject to the plans presented and conditions as prepared by staff. Motion Seconded by member Gary Walker. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll called on the next Petition 22-18, 1579 Washington Street.

Petition #22-18
1579 Washington Street

APPROVED

Chairman Karll read the legal notice into record:

“Harmony Contract Furniture LLC, Applicant, for relief from Bylaw Requirements under chapters 135-402, 135-403, 135-407, 135-609, 135-701, and 135-806 to construct a 5,460 +/- Square Foot building to accommodate general office space with accessory storage and garage. The project also includes utility, stormwater, parking, lighting and landscaping improvements. The Applicant seeks a Variance for the parcels lot size as 14,360 Square Feet is provided and 43,560 Square feet is required. The Applicant also seeks a Variance for the required amount of off street parking as only 10 Spaces will be provided. The property is located at 1579 Washington Street, is zoned General Business District and within the Watershed Protection District, as shown on Assessors Map 1053 Plot 10 with a land area of 14,360 Square Feet. “

Attorney Frank Marinelli presented to the Zoning Board of Appeals the request to construct a 5,460 +/- Square Foot building to accommodate general office space with accessory storage and garage. Attorney Marinelli stated he was appearing on behalf of Christine DiStasio, who is the owner of Harmony Contract Furniture. Attorney Marinelli explained to the 'Board that Harmony Contract is a company that was established in 2012 that provides furniture designs to bars, hotels and other hospitality groups and currently there are four employees within the company. The Company has operated at 25 Garden Park and is now looking to construct the 5,460 Square Foot building for the company's headquarters at 1579 Washington Street. Attorney Marinelli explained that as part of the building construction, the Applicant is proposing to install new landscaping, stormwater infrastructure, lighting and an aesthetically pleasing site. Attorney Marinelli further explained that 2,300 Square Feet of the building will be used for garage space, archives and storage.

Attorney Marinelli stated to the Zoning Board of Appeals that the Applicant was seeking Variances for the Lot Size of parcel at 1579 Washington Street while also seeking a Variance for the required amount of parking spaces pursuant to Section 135-806 of the Braintree Zoning Bylaw. Attorney Marinelli further stated to the board that this site hosted the former Frye Agency Office that was destroyed by fire in 2021. Speaking to the Variance request for the parcels lot size, Attorney Marinelli highlighted to the 'Board the lot's existing size is 14,360 Square Feet, which is 640 Square Feet less than then the required 15,000 Square Feet for a lot in the General Business District. Further adding, that the site is located in the Watershed Protection Overlay District and is subject to a 1 Acre Requirement. Attorney Marinelli spoke to the Lots prior use and that due to the condemnation of the structure, the lot has had to sit vacant.

In regards to the request for a parking Variance, Attorney Marinelli referred to the report prepared by Ron Mueller Associates, dated April 20, 2022, which speaks to the demands of business in comparison to the required amount of parking. Attorney Marinelli highlighted the fact that the business is private and not open to the public as users access this site by appointment only, which is controlled by the business. As demonstrated on the plans

submitted, The Applicant is proposing to provide 10 Parking Spaces where 22 spaces are required.

Attorney Marinelli spoke to the sites unique hardships of this lot in support of the requested variances with respect to the site's topography and soil conditions. The topography of site slopes from Elevation 119 (NAVD 88) to Elevation 113 (NAVD 88). The Applicants engineer cites that there are high levels of groundwater found throughout the site. The Applicant cites that the high water table prevents the ability to construct a foundation that would assist in providing a two story structure which would allow for more parking. Attorney Marinelli speaks to the sites conformance with the required open space as it is proposed to be 35.8% where 30% is required in addition to the building meeting all applicable setbacks.

Chairman Stephen Karll questioned the 'Board if there are any comments or questions at this time. Member Ford stated he did not have questions at this time.

Chairman Karll opened to members of the audience for testimony regarding the relief requested. Shannon McCormack of 50 Park Ave spoke in favor of the Applicants request noting the beautiful design of the property and building.

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

Chairman Stephen Karll stated the 'Board shall open for discussion. Member Michael Ford stated this request can be supported further adding that the design of the property will be great encouragement for reinvestment in the area. Member Richard McDonough concurred stating the business will be a great addition along the corridor.

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 lots, 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 R. McDonough – Aye.

Assistant Director Connor R Murphy stated the minutes on the agenda are being edited and will be available at the next meeting.

Chairman Karll Stated there shall be a motion to close the meeting. Member Timothy Burke motion to close the meeting, Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, R. McDonough – Aye, G. Walker – Aye.

Meeting Adjourned at 9:15 PM.

APPROVED