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ZONING BOARD of APPEALS

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

June 21, 2021
Zoning Board of Appeals Minutes

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 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 BUSINESS

Petition #21-12 235 Wood Road

Chairman Karll Reads the legal notice into record.

Heather Hopkins Dudko, Applicant, for Relief from Bylaw Requirements under Chapter 135-407, 135-904.1 and 135-905 for the installation of a 5 Foot x 15 Foot Awning to the existing Hotel. The applicant seeks a variance for the proposed sign that exceeds the requirements for wall signs in a Highway Business Zone. The property is located at 235 Wood Road, Braintree, MA and is Zoned Highway Business District as shown on Assessors Map 2053B Plot 1Z and contains a land area of +/- 2.7 Acres.

Chairman Karll States members Michael Ford and Richard McDonough will be sitting on this petition alongside himself. The Alternate member will be Gary Walker. Chairman Karll states the Planning Board voted to endorse the Staff Recommendation. The Staff Recommendation is Approval with

conditions. The Zoning Planner stated that given the buildings orientation within the Lot, the request for the additional wall sign

Heather Dudko, Applicant, speaks before the Board. Ms. Dudko states they are seeking relief and permission to install a secondary wall to the existing hotel. Ms. Dudko added that the existing awning never received a building permit and therefore they are required to seek relief before making any changes. Ms. Dudko advises to the 'Board that other signage has been installed as of right through the Building Division. Ms. Dudko further adds that the hotel company is rebranding and there is a need to alter and change the existing signs.

Chairman Karll questions the Applicant in regards to what the sign will say. Ms. Dudko responds stating the sign will state the name of the Hotel Brand "Sonesta Simply Suites". Chairman Karll questions the illumination of the sign. Staff clarifies that the illumination of the awning is tied in with the illumination of the front walkway. The illumination from the awning glares over the walkway.

Chairman Karll directs to the audience if they have any comments. No one from the public spoke in favor or in opposition of the relief requested. Chairman Karll closed the Public Hearing – motioned by Member Michael Ford and Seconded by Member Richard McDonough. Chairman Karll opened for discussion amongst the 'Board. Member Michael Ford stated he had no concerns over this request.

Member Michael Ford motioned to Approve the relief requested based on Staff recommendation, the conditions proposed and plans as submitted. Second by Richard McDonough. Stephen Karll – Aye, Michael Ford – Aye and Richard McDonough – Aye.

Chairman Karll calls on the Applicant for 65 Hollis Ave.

APPROVED

**Petition #21-13
65 Hollis Avenue**

Chairman Karll reads into record the legal notice for this Petition.

Lislee LLC, Applicant, for Relief from Bylaw Requirements under Chapter 135-402, 135-403, 135-601 and 135-701 to demolish the Pre-Existing Non-Conforming Structure that contains a Pre-Existing Non-Conforming Use (Two Family Dwelling) and reconstruct a new Two-Family Dwelling on a Non-Conforming Lot. The Applicant seeks a Finding. The property is located at 65 Hollis Ave, Braintree, MA and is zoned Residence B as shown on Assessors Map 2028 Plot 1 with a land area of +/- 13,980 Square Feet.

Chairman Karll states members Michael Ford and Gary Walker will be participating on this Application. Chairman Karll announces to the Board and Public, the Staff Recommendation of Approval with Conditions which was adopted by the Planning Board at their June 8th, 2020 Meeting.

Attorney Marinelli presented the Application to the Zoning Board. In attendance with Attorney Marinelli were the property owner, Lislee LLC – Managers John and Barbara Fleming. Attorney Marinelli discusses the proposal to demolish the pre-existing Non-Conforming Two Family Dwelling

and erect a new Two Family Structure in its place. Attorney Marinelli provided Board Members photos of the existing site. Attorney Marinelli states to the 'Board that ownership has resided in Braintree for a number of years. They have worked diligently as contractors and developers who specialize in athletic parks and playgrounds. They have completed local projects which include Braintree High School Fields as well as Kinkaid Park in Quincy. Attorney Marinelli declares to the Board of Appeals that the Applicant has the ability to perform the Aesthetic improvements as proposed tonight.

APPROVED

Mr. Marinelli states they have worked extensively with Planning Staff on the design of the Two Family Dwelling. In addition, the Applicant has met with direct abutters on the design and proposal. Attorney Marinelli states that this proposal will eradicate the blighted property and provide an improvement to the neighborhood. The Applicant is seeking a Finding pursuant to MGL Chapter 40A Section 6. Attorney Marinelli adds that the Applicant's proposal is not substantially more detrimental yet a vast improvement to the neighborhood. The Applicant will be incorporating Architectural features found within the neighborhood to the design of the Two-Family Dwelling.

Attorney Marinelli states the Applicant has met with Direct Abutters, Dan Shaft of 75 Hollis Ave, and Stephen Sciascia of 65 Hollis Avenue. Attorney Marinelli read into the record an email prepared by Mr. Sciascia in support of the Applicants proposal.

As part of this proposal, the Applicant has worked with staff in removing the horseshoe drive way and proposing a tandem style driveway for each unit side by side. Mr. Marinelli further adds that the Applicant will be removing two Non-Conformities from the site – the Non-Conforming detached garage and the Non-Conforming Side Yard setback to the existing structure.

Attorney Marinelli provides some of the features for the tenants of the Two Family Dwelling which includes a rear deck and private backyard space. The Applicants proposal comes with screening from the two Direct abutters as well as screening between the two units. The Open Space on site is being increased as part of this proposal by 5 %. The Building Coverage will be at 15.5% which is under the maximum allowed.

Attorney Marinelli directs the 'Board to the letter issued by the Building Inspector which details the property being used as a Two-Family Dwelling. The Structure itself was build prior to the adoption of zoning allowing it to be deemed Pre-Existing Non-Conforming. The use as a Two Family Dwelling was a Use by right in the Town of Braintree prior to the 1986 Adoption of new zoning. Attorney Marinelli states to the Board that under recent case law and under Chapter 40A Section 6, you have protections for alteration or reconstruction when the Non-Conforming nature is increased. As part of this Application, the Non-Conformities of the structure are actually decreased. Attorney Marinelli reiterates the Recommendation made by Staff and the Planning Board of Approval with conditions. Attorney Marinelli states the Staff Report on this Application provides a great summary of the history of the property and the Applicants request.

Chairman Karll directs to the Public if there is anybody in favor or in opposition. Daniel Shaft of 75 Hollis stated to the Zoning Board of Appeals that they are in favor of the Applicants request. Allen Cummings of 70 Hollis Avenue stated support for the project to Board Members. Mr. Cummings

added that this is a miracle as the existing property is very dangerous and blighted. Mr. Cummings further stated he is looking forward to the positive transformation.

Chairman Stephen Karll states there is no more public input. Member Michael Ford motions to close the Public Hearing – Seconded by Member Gary Walker. Chairman Karll states the Applicants proposal is very nice and admires the design of the Two Family Dwelling. Member Michael Ford states you can tell there is effort put into this proposal without impacting the neighborhood. Usually when Applicants appear before the 'Board, there are proposals which feature identical units – which is not the case here.

Member Michael Ford motioned to Approve the requested Finding based on plans submitted, 7 conditions as proposed by staff. Seconded by Member Gary Walker. S. Karll – Aye, M. Ford – Aye, G. Walker – Aye. All in Favor 3-0-0.

Chair Calls on the Applicant for 22 Jefferson Street. Zoning Planner states that the Applicant is not present and suggests moving to the next item on the agenda. Chairman Karll calls on the Applicant for 23 Farm Road.

APPROVED

Petition #21-15
23 Farm Road

Chairman Stephen Karll opens the Public Hearing and reads the Legal Advertisement into record.

Chris Walsh, Applicant, for Relief from Bylaw Requirements under Chapter 135-407 and 135-701 for the construction of a 26 Foot x 5.5 Foot Front Porch. The Applicant seeks a Variance as the Front Porch will have a Front Yard Setback of 19 Feet where 22.6 Feet is existing and 20 Feet is required. The property is located at 23 Farm Road, Braintree, MA and is zoned Residence B as shown on Assessors Map 2009 Plot 35 with a land area of +/- 7,626 Square Feet.

Chairman Karll declares that himself, Michael Ford and Gary Walker will be sitting members on this Application. The Alternate Member will be Richard McDonough. Chairman Karll directs the Applicant to present.

Christopher Walsh, Applicant, of Boston Realty Development presents the request before the 'Board. Mr. Walsh states they are requesting a Variance for a 19 Foot Setback as 20 Feet is required. Mr. Walsh further adds that the Applicant will be constructing a farmer's porch to the front of the dwelling which will improve the overall appearance of the property. Granting this variance will improve the quality of life for the property owners. Mr. Walsh further adds that in granting this Variance, the character of the neighborhood and the Dwelling will not be detrimental.

Chairman Karll questions as to why the Applicant has not decided to shrink the porch to construct it by right. Mr. Walsh responds stating the use of the porch would be unfeasible. Chairman Stephen Karll and Member Michael Ford state, they have no objections. Chairman Karll calls on the Public for any comments – none provided.

Member Michael Ford motions to close the Public Hearing, seconded by Member Gary Walker. Chairman Karll opens for discussion amongst Board Members. Chairman Stephen Karll states this is an irregular shaped corner lot. Member Michael Ford agrees with Chairman Karll. Zoning Planner states there is an argument to be made for the Non-Conforming Structure relative to the lot triggers the need for a Variance.

Member Michael Ford motioned to Approve the Variance based on the hardships as discussed, plans as submitted and conditions as proposed by staff. Motion Seconded by Gary Walker. Chairman Stephen Karll – aye, Member Michael Ford – Aye, and Member Richard McDonough – Aye.

Chairman Karll directs to Staff if the Applicant is present for 22 Jefferson Street. Staff states the Applicant is present. Chairman Karll calls on the Applicant to appear.

APPROVED

Petition #21-14
22 Jefferson Street

Chairman Karll opens then Public Hearing and reads the legal notice into record.

“Dominic Sung, Applicant, for Relief from Bylaw Requirements under Chapter 135-403 and 135-701 to construct a 307 Square Foot Second Story Addition to the Non-Conforming Single Family Dwelling. The Applicant seeks a Finding as the Second Story Addition will be within the Non-Conforming Side Yard Setback of 4.2 Feet where 10 Feet is required. The property is located at 22 Jefferson Street, Braintree, MA and is zoned Residence B as shown on Assessors Map 1008 Plot 9 with a land area of +/- 9,000 Square Feet. “

Chairman Karll assigns himself, Member Michael Ford and Member Richard McDonough to sit on this Application. Chairman Karll reads into record the Staff Recommendation of Approval with Conditions. Chairman Karll states that the Planning Board endorsed the Staff recommendation at their June 8, 2021 Meeting. Chairman Karll directs the Applicant to present.

Dominic Sung, Applicant and Property Owner, presents to the Board the intentions on adding a second story addition to the Single Family Dwelling. Mr. Sung stated the existing Side Yard Setback is Non-Conforming at 4.2 Feet. They are proposing to add a Master bedroom and bathroom above the garage, which will require a Finding. Mr. sung further adds that Single Family Dwelling is one of the smallest on the street and only has 2 bedrooms and 1.5 baths. Mr. Sung states to the board that this addition will be in line with the existing Single Family Dwellings on Jefferson Street.

Chairman Karll questions the Applicant if they are across from the Golf Course. Mr. Sung states he is. Chairman Karll states the plans are prepared nicely. Mr. Sung states it was a challenge for the Architect to design the house given the diversified stock of Single Family's on Jefferson Street. Mr. Sung provided letters of support for the project from Diana Santiago of 26 Jefferson Street; William and Meghan Ford of 19 Jefferson Street; Georgia Kasakis 18 Jefferson Street; Stephen C Davidson of 36 Jefferson Street.

Chairman Karll calls on the Public for any comments. No one from the audience offered to speak. Chairman Karll states they will close the Public Hearing – Motion made by Member Michael Ford, Seconded by Member Richard McDonough.

Chairman Karll opens for discussion amongst Board members. Member Gary Walker states the second story addition belongs there and is not substantially more detrimental than what currently exists.

Member Michael Ford motions to Approve the requested Finding that the project is not substantially more detrimental than what currently exists, subject to the plans as presented and conditions as proposed by staff. Motion seconded by Member Richard McDonough. Chairman Stephen Karll – aye, Member Michael Ford – Aye, and Member Richard McDonough – Aye.

Chairman Stephen Karll calls on the Applicant for 444 Quincy Avenue.

Petition #21-16
444 Quincy Avenue

APPROVED

Chairman Stephen Karll opens the Public Hearing and reads the legal notice into record.

“Chester Sherman LLC, Applicant, for Relief from Bylaw Requirements under Chapter 135-407, 135-904.2 and 135-905 for the installation of 3 Wall Signs to the existing Motor Vehicle Dealership. The Applicant seeks Variance(s) and to amend Zoning Board of Appeals Decision #07-7. The property is located at 444 Quincy Avenue, Braintree, MA and is zoned Highway Business District as shown on Assessors Map 3049 Plot 6 with a land area of +/- 11.5 Acres. “

Chairman Karll states members Michael Ford and Gary Walker, along with himself, will be sitting on this Application with the Alternate Member being Timothy Burke. Chairman Karll states the Staff Recommendation, which was adopted by the Planning Board at their June 8, 2021 Meeting.

Attorney Marinelli presents to the Zoning Board of Appeals the request to Amend ZBA Decision 07-7 on behalf of the Applicant. Attorney Marinelli states he is before the board on behalf of the Quirk Companies. Mr. Marinelli states this request is fairly straight forward. The Quirk Companies is in the process of repositioning their dealerships along Quincy Avenue. They are seeking to alter the signage that granted by the 'Board in 2007. Mr. Marinelli adds that the existing site features an irregularly shaped lot, with descending topography from Quincy Avenue. Mr. Marinelli adds that the 2007 ZBA Decision allowed for increased signage to the Subaru Dealership. As part of the Quirk Companies repositioning, Quirk GMC will be tenanting this space. Mr. Marinelli presents the plans that were submitted with the Application. This proposal is modest as it will be removing signs. The Total number of signs is lowered to 3. In addition, the Square Footage of all signs will be lowered from 170.3 Square Feet to 103 Square Feet.

Chairman Karll questions the audience if they have any comments on this Application. Seeing o Public Testimony being offered, Chairman Karll Closes the Public Hearing, with a Motion made by Michael Ford and Seconded by Gary Walker.

Chairman Karll opens up for discussion amongst 'Board members. Chairman Karll states this is a reduction in signage. Member Michael Ford states business's need signage especially when there is a multi-tenant piece of property. In addition, it offers wayfinding for the users of the site.

Motion made by Michael Ford to Approve the requested Amendment, subject to the plans as submitted, conditions prepared by staff. Gary Walker seconds the motion. Chairman Karll – Aye, Michael Ford – Aye, Richard McDonough – Aye. All in Favor.

OLD BUSINESS

APPROVED

Petition 21-02 320 Wood Road

Chairman Karll asks Staff to Clarify the continuance of this petition. Zoning Planner states the Public Hearing was already opened and continued from the last meeting. Staff clarifies that Members Michael Ford, Gary Walker and Timothy Burke were assigned to this Petition. The Alternate member is Richard McDonough. Chairman Karll asks the Applicant to present.

Jason Parillo, Applicant, discusses the changes to the plans since the May 24, 2021 Meeting. Mr. Parillo states they have removed the digital messaging portion of the sign and have presented a sign that is modest in nature. Mr. Parillo further adds that there is a site plan prepared for this meeting to demonstrate that the sign will not encroach over the Rear Property Line.

Chairman Karll directs to the audience if there is anybody in favor or in opposition. No Public Testimony was presented at the Meeting. Chairman Karll states they will close the Public Hearing. Motion made by Member Michael Ford and Seconded by Timothy Burke. Chairman Karll opens for discussion with the Board. Member Michael Ford commends the Applicant for taking the Recommendations of the Board from the prior meeting in revising the Ground Sign.

Member Gary Walker Motioned to Approve the request Variance pursuant to the plans submitted and conditions as prepared by staff. The motion was seconded by Member Timothy Burke. Member Michael Ford – Aye, Member Gary Walker – Aye, Member Timothy Burke – Aye.

Chairman Karll questions staff as to what remains on the Agenda. Staff directs the chair that meeting minutes for the December 21, 2020 and May 24, 2021 need to be approved. Chairman Karll asks the Board if they have reviewed the Minutes and have any comments. All Board Members were satisfied with the Minutes as prepared.

Chairman Karll asks for a motion by the Board for December 21, 2021 Minutes. Member Michael Ford Motion to Approve, Seconded by Member Richard McDonough. Chairman Karll – Aye, Member Michael Ford – Aye, Member Richard McDonough – Aye. All In Favor.

Chairman Karll asks for a motion to Approve the May 24, 2021 Minutes. Zoning Planner for the Department states these minutes are still being prepared. Chairman Karll asks staff if there is anything remaining. Staff states we can close the meeting.

Chairman Karll asks the board for a motion to adjourn the meeting. Motion made by Michael Ford to adjourn the meeting. Motion seconded by Member Richard McDonough. All in Favor: Chairman Karll – Aye, Member Michael Ford – Aye, Member Richard McDonough – Aye.

Meeting Adjourned at 8:06 PM.

APPROVED