



Mayor
Charles C. Kokoros

Department of Planning and Community Development

Melissa M. SantucciRozzi, Director
1 JFK Memorial Drive
Braintree, Massachusetts 02184
msantucci@braintreema.gov
Phone: 781-794-8234

ZONING BOARD of APPEALS

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

July 24, 2023
Zoning Board of Appeals Minutes
Johnson Chambers – Town Hall
1 JFK Memorial Drive

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

APPROVED

Meeting Commences at 7:00 P.M.

Chairman Karll calls the meeting to order. Chairman Karll states to the public in attendance that items would be brought up in the order they appear on the agenda unless there was a conflict. Chairman Karll introduces Assistant Director Murphy to the members of the Zoning Board of Appeals and the public. Chairman Karll introduces all members of the Zoning Board of Appeals. All Members are present.

OLD BUSINESS

Petition #23-18
22 Francine Road

Chairman Karll states this matter was opened and continued without testimony at the last meeting. Chairman Karll calls on the Applicant to present.

Andy Huang, Applicant, was present before the Zoning Board of Appeals to demolish and reconstruct a Single Family Dwelling on a Pre-Existing Non-Conforming lot. Chairman Karll stated he was satisfied abutters had been properly noticed. Chairman Karll stated the Staff Recommendation was to revise the massing of the dwelling with a continuance to the next meeting.

Mr. Huang, alongside his Architect and his civil engineer, presented plans for the proposed reconstruction of the Single Family Dwelling. Mr. Chi Man of Hardy and Man Consulting,

presented the proposed grading plans for the Single Family reconstruction. Mr. Man highlighted that the lot is undersized in area as 10,133 Square Feet is existing and 15,000 Square Feet is required. However, the proposed dwelling will meet all required setbacks. Mr. Man further added that the proposed dwelling would be pushed further towards Francine Road adding that this is a corner lot with a front yard to Nicholas Road as well. Chairman Karll confirms with Mr. Man that the lot is undersized for the zoning requirement.

Mr. Man stated that the existing neighborhood has seen some changes and there are several dwellings that are 2-3 stories in height, submitting several photographs to the board of dwelling within the neighborhood. In addition, the Applicant submitted a letter of support signed by: Christina and Daniel Bythrow of 51 Nicholas Road and Kam and Ben Leung of 47 Francine Road.

Mr. Tat Lui, of Jessy Design-Build LLC, Architect for the project, explained to the Zoning Board of Appeals the proposed layout of the dwelling and changes from the existing dwelling. Mr. Lui further added that due to the existing topography of the site, the relocated driveway would provide an at grade garage within the basement of the structure. The first floor will consist of living space with the second floor being for bedroom space. Mr. Lui stated the attic is designed for mechanical and storage space.

The Assistant Director for the Department of Planning and Community Development stated that the Applicant would be required to submit a Grading Permit Application to the Planning Board as there are cuts and fills over two Feet.

Member Richard McDonough confirms with the Applicants Architect that the attic will be used for mechanical and storage. Chairman Karll called on members of the public to offer testimony.

Justine Huang, of 25 Lakeside Drive, stated she was assisting the Applicant, her cousin, on moving into the neighborhood. Mrs. Huang further added she was before the Zoning Board of Appeals for similar relief when rebuilding her house. Mrs. Huang further added this is a great neighborhood for kids.

Cindy Lindberg of 14 Francine Road, stated she would love nothing more than a new family to move into town. Mrs. Lindberg confirmed with the applicant that the driveway was being relocated to Nicholas Road. Mrs. Lindberg questioned if the required parking is met. Mr. Huang stated there's three spots proposed.

Curtis Linberg of 14 Francine Road offered concerns with the proposed size of the dwelling but did not oppose a new dwelling being constructed. Mr. Lindberg further added that the he has resided in the neighborhood for several years and has seen change.

Chairman Karll states the proposed dwelling is meeting the applicable setbacks and the Applicant can go up to 3 stories and 35 Feet in height as of right.

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Member Michael Ford stated there are additions being made to the neighborhood and the neighborhood is growing. Member Ford further states that the proposed dwelling is somewhat in line with the neighborhood.

Bonnie Gottis of 19 Francine Road stated she has lived in the neighborhood for 29 years and stated there's more room on Nicholas road for bigger homes. Mrs. Gottis further cited the increase in traffic in the neighborhood that is associated with its growth.

Joe Gottis of 19 Francine Road stated his biggest concerns are the number of stories and proposed height of the dwelling. Chairman Karll states the proposed structure is under the maximum height and stories allowed. Mr. Gottis further adds that traffic in the neighborhood has increased. Chairman Karll urges Mr. Gottis to work with his District Councilor on the neighborhood traffic issues.

With no other public testimony being offered, Chairman Karll states they shall close the Public Hearing with a motion made by Member Michael Ford and Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye; M. Ford – Aye; R. McDonough – Aye.

Member Ford stated the proposed reconstruction is in line with what is being built in the neighborhood today. Member McDonough states he agrees with comments made by Member Ford.

Alternate Member Timothy Burke states he agrees with the Staff's Recommendation and further adds that a reconstruction should match the original design of the neighborhood.

Chairman Karll inquires with staff if there are any conditions to proposed for this project. The Assistant Director states they are recommending boilerplate conditions for Single Family Reconstruction – Condition #1 requiring the Recording of the Decision, Condition #2 Copy of the Decision included with the Building Permit, Condition #3 Any changes from the approved plans requiring ZBA Approval, Condition #4 requiring a Surveyor to stake out the limits of the foundation, Condition #5 requiring a Certified Foundation Plan and Condition #6 requiring an As-Built Plan prior to the issuance of a Certificate of Occupancy.

Chairman Karll confirms with the Applicant on the proposed conditions. Chairman Karll states they shall entertain a motion on this matter. Member Michael Ford moves to approve the requested finding citing that the reconstruction on an undersized lot is not substantially more detrimental than the existing Non-Conformity, subject to the conditions as discussed and the plans as presented. All in Favor: S. Karll – Aye; M. Ford – Aye; R. McDonough – Aye.

NEW BUSINESS

Petition #23-20

26 Brewster Avenue

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Chairman Karll states the Applicant is requesting that the Public Hearing be opened and continued without testimony.

Chairman Karll reads the Legal Notice into record:

“Timothy & Eryn Hemmert; James & Carol Lochiatto; Amy & Rachel Wallace; and Edith McGinn, Applicants, pursuant to MGL Chapter 40A, Sections 8 & 15, and Braintree Zoning Ordinance Chapters 135-102, 135-202, 135-201, 135-603, 135-609 and 135-1201 filed an Appeal of the Building Inspector’s May 22, 2023 response to a May 22, 2023 request for Enforcement of Zoning Violations. The property is located at 26 Brewster Avenue and is zoned Residence B Watershed, shown on Assessors’ Map 1078 Lots 20 and 57 with a combined land area of 21,562 Sq. Ft.”

Chairman Karll states they shall entertain a motion on the Applicants request to continue. Member Michael Ford motions to allow the Applicant to continue the Public Hearing without testimony. 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 Petition #23-21, 116 Lundquist Drive.

**Petition #23-21
116 Lundquist Drive**

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Chairman Karll reads the legal notice into record:

“ Atlantic Oliver 116 Lundquist Drive, LLC, Applicant, for relief from Braintree Zoning Ordinance Bylaw Requirements pursuant to Chapters 135-403, 135-407, 135-609, 135-701 and 135-707 to reconfigure the rear of the site with improvements to the sites parking, stormwater management system and landscaping. The Applicant seeks Variances as the proposed Lot Coverage is 74% where only 60% is allowed; and the proposed Open Space of 26% where 40% is required. The property is located at 116 Lundquist Drive is zoned Commercial and within the Watershed Protection Overlay District, shown on Assessors’ Map 1032 Lot 5B with a total lot area of 4.54 Acres.”

The Applicant, Atlantic Oliver 116 Lundquist Drive, LLC, was represented by Attorney Frank Marinelli, to present before the Zoning Board of Appeals. Alongside Attorney Marinelli were John Adair of Oliver Street Capital and Dan Campbell of Level Design Engineering. Chairman Stephen Karll stated he was satisfied that abutters had been properly notified. Chairman Karll added that the Staff Recommendation on this matter was Approval with conditions. Chairman Karll invited the Applicant to present.

Attorney Frank Marinelli presented to the Zoning Board of Appeals the request to reconfigure the rear of the site to improve the landscaping, parking, and stormwater management system. Attorney Marinelli stated he is appearing on behalf of the property owner, Oliver Street Capital.

Attorney Marinelli stated the property owner is a premier real estate firm with multiple commercial property holdings. Attorney Marinelli stated to the Zoning Board of Appeals that the Applicant is proposing to improve the rear of the site by removing the gravel area, and creating a dedicated storage area on bituminous pavement, with increased parking and revitalizing the landscaping on site. Attorney Marinelli further stated that the Applicant is before the board for variances for the required Lot Coverage and Open Space. The Lot Coverage is being reduced from 77% to 74%, where 60% is the maximum allowed. The Open Space is being increased from 23% to 26% and a minimum of 40% is required. The site is zoned Commercial and is within the Watershed Protection Overlay District.

Attorney Marinelli spoke to the existing state of the property, adding that the gravel area that is sought to be converted to pavement, has historically been an impervious surface. Attorney Marinelli further added that the Applicant submitted an aerial map depicting 17 sites within the area, and that only 4 of those 17 sites conformed to the required lot coverage and open space. Attorney Marinelli further spoke to the hardships of the site in support of the requested variances citing its irregular shape as depicted in the plans submitted and the sloping topography towards the rear. Attorney Marinelli added that the Tenant, Wallboard Supply Company, occupies the site.

Dan Campbell of In Level Design Group, presented to the Zoning Board of Appeals the improvements to the sites stormwater management system. Mr. Campbell stated the improvements would capture the new impervious area and allow for infiltration. Mr. Campbell spoke to the capacity of the system and stated it is designed to handle a 100 year storm with overflow to the sites existing municipal connection.

Chairman Stephen Karll opened to members of the public for testimony. No one from the public offered any testimony for the relief requested.

Member Michael Ford stated the rear of the site has historically always been used by the granite company. Further adding that this is a good use for the property.

Chairman Karll stated they shall close the Public Hearing, with a Motion made by Member Michael Ford and Seconded by Gary Walker. All in Favor: S. Karll – Aye; M. Ford – Aye; G. Walker – Aye.

Chairman Karll stated the discussion here is positive and an improvement to the site.

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.

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ADMINISTRATIVE ITEMS

The Assistant Director for the Department of Planning and Community Development provides updates for the Board regarding the Town's Master Plan. The Assistant Director states that the next meeting will be August 17, 2023 with members of the Planning Board and Town Council in attendance.

Member Ford made a Motion to close the meeting, Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Meeting Adjourned at 7:56 PM.

APPROVED