



Joseph. C. Sullivan
Mayor

Department of Planning & Community Development Zoning Board of Appeals

1 JFK Memorial Drive
Braintree, MA
www.braintreema.gov

Zoning Board of Appeals (ZBA) Meeting Minutes September 24, 2018

IN ATTENDANCE: Michael Ford, Member
Richard McDonough, Member
Stephen Sciascia, Associate
Gary Walker, Associate

ALSO PRESENT: Jeremy Rosenberger, Zoning Administrator

Mr. Ford called the meeting to order at 7:00pm.

OLD BUSINESS:

- 1) Petition Number: 18-17
Petitioner: Brian & Laura McGourty
RE: 460R Pond Street**

The petitioner requested a continuance to September 24, 2018 to due to the inability for their attorney to attend the hearing.

On a motion made and seconded, the Board voted 3-0 to continue the public hearing to October 22, 2018.

- 2) Petition Number: 18-28
Petitioner: Mai Phung
Property Owner: Julie Ha Vo
RE: 352-354 Washington Street**

Mai Phung, 204 Adams Street #5, Dorchester, MA 02122 (Property Owner: Julie Ha Vo) for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 613 and Article VIII to convert +/- 1,344 sq. ft. retail space to 48 seat restaurant and extend third floor dwelling unit to second floor (former office use); proposed restaurant would not meet the off-street parking requirements. The applicant seeks a permit, variance and/or finding that the proposed

alteration is not more detrimental to the neighborhood. The property is located 352-354 Washington Street, Braintree, MA 02184 and is within a General Business District Zone/Village Overlay District, as shown on Assessors Map 2024, Plot 22, and contains a land area of +/- 4,538 sq. ft.

Notice

Pursuant to notice duly published in a newspaper in general circulation and posted at Town Hall, and by written notice pursuant to G.L. Chapter 40A, Section 11, mailed to all parties in interest, a public hearing was held by the Zoning Board of Appeals at Town Hall, One JFK Memorial Drive, Braintree, MA on August 20, 2018 at 7 p.m. and mutually continued to September 24, 2018. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Ford and Richard McDonough; and Gary Walker, Alternate.

Evidence

The petitioner, Mai Phung, explained to the Board that the property owner is seeking to change the occupancy of the former 1st floor toy store (retail use) to a forty-eight (48) seat Vietnamese restaurant. The petitioner is also seeking to change the occupancy of the former 2nd floor office use to additional living space for the existing 3rd floor residential unit. The existing building foot print is +/- 1,344 sq. ft. The residential unit would increase from +/- 640 sq. ft. to 1,984 sq. ft. The proposed dwelling unit would provide an open concept living/dining room/kitchen, bathroom and a bedroom on the 2nd floor. The 3rd floor would provide two additional bedrooms and a bathroom. A basement provides storage for the 1st floor space. Furthermore Mr. Phung discussed the building footprint would not change and that the exterior would be improved as part of the building's total renovations. Lastly, the petitioner noted landscaping improvements to the site would bring the property into conformance with the lot coverage regulations.

Chairman Karll asked the petitioner what the proposed hours of the restaurant would be. Ms. Ha Vo stated the restaurant would mostly likely be open from 7am to 9pm. The Chairman also asked how the rear parking spaces would be accessed. Mr. Phung describe there is an easement/right of way off of Washington Terrace to access the rear of the property. Mr. Ford asked the petitioner if they had reached out to any of neighboring businesses about the potential to share parking spaces. Mr. Phung stated they had not. Mr. Ford discussed they should explore all potential options for off-street parking. Chairman Karll asked the petitioner if they would be open to continuing the public hearing to allow time for exploring potential shared parking opportunities. Mr. Phung stated they would agree to the continuation. As such, Mr. Phung and the Board mutually agreed to continue the public hearing to September 24, 2018.

At the continued public hearing on September 24, 2018, the petitioner Mr. Phung presented revised drawings that depicted a reduction in the number or seats from forty-eight (48) to thirty-five (35). In addition, the proposed hours of operation would be from 10am to 10pm. In addition, per the instruction of the Board, they reached out to area businesses regarding the potential to share off-street parking spaces. Mr. Phung stated they were unsuccessful with securing any potential shared parking arrangements. Mr. McDonough felt the petitioner had made a good faith effort toward reaching out to the surrounding business community to try to find shared parking arrangements. Mr. Sciascia stated the business district encourages uses such as the one before them. He continued that most businesses in the district most likely could not meet the off-street parking regulations. Mr. Sciascia felt the parking

to the rear of the property should be designated for employees/residents and appropriate signage stated accordingly.

The petitioner's lot is nonconforming, as it contains 4,538 sq. ft., where 15,000 sq. ft. is required; provides 40 ft. of lot frontage, where 50 ft. is required; and provides 40 ft. of lot width, where 100 ft. is required.

The petitioner's existing building is nonconforming as to the front yard setback; the building is located 0 feet from the front yard lot line, where a front yard setback of 10 ft. is required. Secondly, the petitioner's existing building is nonconforming as to the side yard setbacks, the building is located 6.25 ft. feet from the left side yard lot line and 8.5 ft. from the right side yard lot line, where a side yard setback of 10 ft. is required. Lastly, the petitioner's existing building is non-conforming as to maximum lot coverage requirement; the lot coverage is 100% of the existing property, while a maximum of 90% is allowed.

The proposed extension of a pre-existing nonconforming use (Residence Above First Story Business Use requires a Special Permit by the Planning Board pursuant to Section 135-601), pursuant to Section 135-403(a), requires a finding pursuant to M.G.L. Chapter 40A, Section 6.

Variances are required for relief from the minimum parking and loading space requirements. Pursuant to Section 135-806, the Zoning Bylaw requires a minimum of one (1) space per 3.5 seats for restaurant use and a minimum of two (2) spaces per dwelling unit. In total, sixteen (12) off-street parking spaces are required, but the proposal would provide five (5) off street parking spaces. The result is a deficiency of seven (7) off-street parking spaces. In addition, pursuant to Section 135-814, the Zoning Bylaw requires one (1) loading space, but the proposal does not provide a 9 ft. x 24 ft. loading spaces.

As grounds for the requested variance and relief, the petitioner notes the property is a small and narrow lot, typical of North Braintree Square. The petitioner highlights the proposed improvements to the building will greatly benefit and enliven the business district. In addition, while the petitioner is limited with regard to providing nine (7) additional off-street parking spaces, there are a number of public parking spaces in the immediate area (on-street and municipal lot).

The petitioner presented the plan entitled "Site Plan of Existing Conditions", dated June 6, 2018 and prepared by Westgate Associates of Kingston, MA. The petitioner also presented the plan entitled "Proposed Site Plan", dated June 6, 2018 and prepared by Westgate Associates of Kingston, MA. In addition, the petitioner presented floor plans and elevations entitled "Proposed to Confirm One Residential Unit on Second and Third Floor & Convert an Existing Commercial Space to Restaurant on First Floor @ 352-354 Washington Street Braintree, MA", sheet numbers T-1, EX-1.1, EX-1.2, EX-2.1, EX-2.2, EX-2.3, D-1, A-1.1, A-1.2, A-2.1, A-2.2, A-2.3, dated July 5, 2018 and prepared by Phung/Porzio Studio of Architects of Dorchester, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval. Claire Fink of 21 Elm Street stated her concern regarding potential patrons of the restaurant parking on her property. Ms. Fink felt the restaurant will negatively affect the limited parking for her tenants. Elizabeth Paige stated she was opposed to the use of the alleyway adjacent to the building to be utilized as a driveway for the property. The petitioner stated they do not and would not use the alleyway for access and would provide additional landscaping to

prevent such use. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

Findings

The Board found that the existing lot is pre-existing nonconforming in terms of lot area, lot frontage and lot width. In addition, The Board found that the existing structure is pre-existing nonconforming in terms of the front, side yard setbacks and lot coverage. The Board also found that the proposed extension of the pre-existing nonconforming 3rd floor dwelling unit to the 2nd floor will not create any new zoning non-conformity. The Board further found that the proposed alterations/improvements to the building would not be substantially more detrimental to the neighborhood than the existing nonconforming lot and structure. In addition, the Board found the petitioner had presented a hardship with respect to reuse of the existing building and the inability to occupy the building for an allowed use without zoning relief for off-street parking. In addition, the Board found five (5) off-street parking spaces serving the one residential unit and restaurant would be sufficient to meet the needs of employees and the residents. Furthermore, the Board found there are a number of public on-street/off-street (40+ space municipal lot) parking spaces in the immediate area to accommodate the thirty-five (35) seat restaurant. The Board further found that the requested relief could be granted without nullifying or derogating from the purpose and intent of the zoning by-laws, and will be of benefit to the community.

Decision

On a motion duly made by and seconded, the Board unanimously (3-0) voted to grant requested finding, pursuant to Bylaw Section 135-403 and the requested variances from the Bylaw Section 135-806 and 814 requirements, pursuant to Bylaw Section 135-407, in accordance with the plans submitted and the following conditions:

- 1.) Any changes to the approved plans will require ZBA approval;
- 2.) Prior to the issuance of a certificate of occupancy, the petitioner shall submit plans to the Planning & Community Development Department that: a.) The new restaurant complies with ADA requirements to and from the restaurant; and b.) Depicts new landscaping along the northern side of the building to restrict any vehicular access thru the site;
- 3.) The project as approved shall not increase the peak rate or volume of storm water runoff from the 2, 10, 25 and 100-year storm event;
- 4.) The petitioner is strongly encouraged to pursue all efforts available to them to secure additional off-site parking spaces. However, no potential off-site parking arrangement shall cause another site to become non-compliant with regard to Braintree Zoning Bylaw (BZB) Section 135-806;
- 5.) All delivery of goods and products to the future restaurant shall be made through via the rear of the property. All delivery vehicles are prohibited from parking on or over the existing sidewalk in such a manner to impede pedestrian access;
- 6.) Food, beverage and other business related deliveries to the site shall be prohibited between 11am and 6pm, seven days a week. All deliveries shall be made during off-peak hours;

7.) The dumpster disposal area shown on the approved plans shall be properly maintained and shall be protected by chain-link fencing with green vinyl slats, including a gate. Said dumpster shall be located on a bituminous asphalt or concrete base which shall be constructed so as to contain any leakage. The petitioner shall be responsible for trash disposal on a regular basis and shall ensure that the dumpster areas are maintained in a sanitary manner. The dumpsters shall be serviced prior to the restaurant establishment opening for the day, but not between the hours of 8pm and 7am;

8.) All exterior lighting shall be shielded so that lamps, lenses and diffusers shall not be visible from the property line. All exterior lighting shall be directed downwards and shall not directly impact abutting properties/buildings;

9.) There shall be no outside display, sale or storage (including the public sidewalk area) or sale of goods and products. All product displays and sales transactions must take place within the establishment; and

10.) No outdoor storage of any kind, including but not limited to trailers, pallets, racks and containers, is allowed on the site.

NEW BUSINESS:

- 1) Petition Number: 18-32
Petitioner: Andrzej Lipinski
RE: 245 Walnut Street**

Andrzej Lipinski, 245 Walnut Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to construct second story above existing single car garage with an existing nonconforming side yard setback deficiency of 5.4 ft. The applicant seeks a permit, variance and/or finding that the proposed project will not be more detrimental to the neighborhood. The property is located at 245 Walnut Street, Braintree, MA 02184 and is within a Residence B Zoning District, as shown on Assessors Map 2007, Plot 34 and contains a total land area of +/- 7,630 sq. ft.

Notice

Pursuant to notice duly published in a newspaper in general circulation and posted at Town Hall, and by written notice pursuant to G.L. Chapter 40A, Section 11, mailed to all parties in interest, a public hearing was held by the Zoning Board of Appeals at Town Hall, One JFK Memorial Drive, Braintree, MA on September 24, 2018 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Michael Ford, Richard McDonough and Stephen Sciascia; Gary Walker, Alternate.

Evidence

Architect Michael Silipo, representing the petitioner, explained they are seeking to construct a second story above the existing one story, 11.9' x 28.3' attached one-car garage. The existing dwelling provides three bedrooms, a kitchen, living room, bathroom and dining room. The existing attached garage is connected to the dwelling via a dining room. As part of the proposed project, the dining room would be changed to provide a new mudroom, hallway, stairway to the second floor and new living room. The new second floor addition would provide

a master-suite, additional bathroom and bedroom. The existing dwelling does not provide a basement and the new addition would be built on a slab foundation.

The petitioner's existing lot is nonconforming, as it contains 7,630 sq. ft., where 15,000 sq. ft. is required and provides 75.69 ft. of lot width, where 100 ft. is required. The petitioner's existing single family dwelling is nonconforming as to the right and left side yard setbacks; the dwelling is located 9.6 ft. from the left side yard lot line and 5.4 ft. from the right side yard setback, while the Zoning Bylaw requires a side yard setback of 10 ft. The proposed addition will be built within the existing footprint and not create any new zoning nonconformity. Accordingly, a finding is required pursuant to M.G.L. Chapter 40A, Section 6.

As grounds for the finding, the petitioner noted the addition will be within the existing footprint and not generate any new zoning nonconformity. Secondly, the petitioner noted the proposed second floor addition would be located 10 ft. from the right side yard lot line. However, the petitioners are proposing façade/exterior improvements to the existing attached single car garage, which is 5.4 ft. from the right side yard lot line. Lastly, the addition will be similar to the existing neighborhood characteristics and not be more detrimental to the neighborhood.

The applicant presented the plan entitled "Plan of Land in Braintree, Massachusetts, 245 Walnut Street, Braintree, MA", dated August 13, 2018, and prepared by C.S. Kelley, PLS of Pembroke, MA. The applicant also presented floor plans and architectural renderings entitled "Lipinski Residence, 245 Walnut Street, Permit Set", labeled A-001, A-100 thru A-104, A-200, A-201, A-300, A-901, dated June 13, 2018 and prepared by Silipo Architecture and Design of Milton, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval with conditions: 1.) Any changes to the approved plans will require ZBA approval; 2.) Submission of a certified foundation to the Planning & Community Development Department prior to vertical construction; and 3.) Submission of as-built plan to the Planning & Community Development Department prior to issuance of a Certificate of Occupancy. Susan Connolly, Robert Dimartino, Barbara Gibson, and James and Linda Cuddy submitted letters of support. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

Findings

The Board found that the existing lot is pre-existing nonconforming in terms of lot area and width, as noted above. In addition, the Board found that the existing dwelling is pre-existing nonconforming in terms of the left and right side yard setbacks. The Board also found that the proposed second floor addition will not create any new zoning non-conformity. The Board further found that the proposed addition will be designed appropriately, setback approximately 10 ft. from the right side yard setback and be comparable in size relative to the existing housing stock. As such, the Board found the proposed addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Decision

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested finding, pursuant to Bylaw Section 135-403, in accordance with the plans submitted and the following conditions:

- 1.) Any changes to the approved plans will require ZBA approval;
- 2.) Submission of a certified foundation plan to the Planning & Community Development Department prior to vertical construction; and
- 3.) Submission of an as-built plan to the Planning & Community Development Department prior to issuance of a Certificate of Occupancy.

**2) Petition Number: 18-33
Petitioner: Marina Bay Management Svc., LLC
RE: 871-873 Washington Street**

The petitioner requested a continuance for the initial public hearing to September 24, 2018 to allow for more time for the petitioners to prepare for a hearing.

On a motion made and seconded, the Board voted 3-0 to continue the public hearing to September 24, 2018.

**3) Petition Number: 18-35
Petitioner: Matt Mueller
RE: 12 Hunt Avenue**

Matt Mueller, 181 Bowdoin Street, Dorchester, MA 02122 for relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to construct second story onto existing one story single family dwelling (+/- 840 sq. ft. building footprint) with an existing nonconforming side yard setback deficiency of 9.6 ft. The applicant seeks a permit, variance and/or finding that the proposed project will not be more detrimental to the neighborhood. The property is located at 12 Hunt Avenue, Braintree, MA 02184 and is within a Residence B Zoning District, as shown on Assessors Map 2004, Plot 15, and contains a land area of +/- 7,643 sq. ft.

Notice

Pursuant to notice duly published in a newspaper in general circulation and posted at Town Hall, and by written notice pursuant to G.L. Chapter 40A, Section 11, mailed to all parties in interest, a public hearing was held by the Zoning Board of Appeals at Town Hall, One JFK Memorial Drive, Braintree, MA on September 24, 2018 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Michael Ford, Richard McDonough and Stephen Sciascia; Gary Walker, Alternate.

Evidence

Architect Matt Mueller and Code Consultant Jay Duker, representing the property owner Yi Yin, explained the owner is seeking to construct a 32' x 27' second story above the existing one story, 32' x 24' dwelling (increase is 1.5' ft. overhangs on the front and rear of the second floor). The existing left side yard setback is 9.6 ft. The existing dwelling provides a living room, kitchen, bathroom and two bedrooms. As part of the proposed project, the first floor would be changed to provide an open concept kitchen/dining room/living room, bathroom and office. The second floor would provide a master suite, two additional bedrooms and a bathroom. No attic is proposed and the existing dwelling contains a basement.

The petitioner's existing lot is nonconforming, as it contains 7,643 sq. ft., where 15,000 sq. ft. is required and provides 64 ft. of lot width, where 100 ft. is required. The petitioner's existing single family dwelling is nonconforming as to the left side yard setback; the dwelling is

located 9.6 ft. from the left side yard lot line, while the Zoning Bylaw requires a side yard setback of 10 ft. The proposed addition will be built within the existing footprint and not create any new zoning nonconformity. Accordingly, a finding is required pursuant to M.G.L. Chapter 40A, Section 6.

As grounds for the finding, the petitioner noted the addition will be within the existing footprint and not generate any new zoning nonconformity. Secondly, the petitioner noted the addition will be similar to the existing neighborhood characteristics and not be more detrimental to the neighborhood.

The applicant presented the plan entitled "Existing Conditions Plot Plan, 12 Hunt Avenue, Braintree, MA", dated July 23, 2018, and prepared by Claudio Sala, PLS of Quincy, MA. The applicant also presented floor plans and architectural renderings entitled "12 Hunt Avenue, Single Family Home Renovation", labeled G000, A101, A201, AE101, AE201, undated and prepared by Hue Architecture of Dorchester, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval with conditions: 1.) Any changes to the approved plans will require ZBA approval. Sharon Heraty voiced concern regarding the potential for the second floor to negatively affect the rear of her property. Lauren Fornaro wanted to ensure the project would not reduce off-street parking on the subject property. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

Findings

The Board found that the existing lot is pre-existing nonconforming in terms of lot area and width, as noted above. In addition, the Board found that the existing dwelling is pre-existing nonconforming in terms of the left side yard setback. The Board also found that the proposed second floor addition will not create any new zoning non-conformity. The Board further found that the proposed addition will be designed appropriately and be comparable in size relative to the existing housing stock. As such, the Board found the proposed addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Decision

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested finding, pursuant to Bylaw Section 135-403, in accordance with the plans submitted and the following condition:

- 1.) Any changes to the approved plans will require ZBA approval.

- 4) Petition Number: 18-36
Petitioner: I.D. Sign Group, Inc.
RE: 120 Pond Street**

I.D. Sign Group, Inc., 9 Bristol Drive, South Easton, MA 02375 (Property Owner: Francis X. Messina) for relief from Bylaw requirements under Chapter 135, Sections 135-407, 904.2 and 908 to install 4' x 20' illuminated "Ivory Plaza" sign on existing retaining wall. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 120 Pearl Street, Braintree, MA 02184 and is

within a Highway Business District Zone, as shown on Assessors Map 1029, Plot 16, and contains a land area of +/- 3.33 acres.

Notice

Pursuant to notice duly published in the Braintree Forum and posted at Town Hall, and by written notice pursuant to G.L. Chapter 40A, Section 11, mailed to all parties in interest, a public hearing was held by the Zoning Board of Appeals at Town Hall, One JFK Memorial Drive, Braintree, MA on September 24, 2018 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Michael Ford, Richard McDonough and Gary Walker; Stephen Sciascia, Alternate.

Evidence

Bob Crissafulli, of I.D. Sign Group, Inc., on the behalf of the property owners, explained they are seeking to install an additional sign at 120 Pearl Street for the Ivory Plaza shopping center. As part of aesthetic upgrade to the existing retaining wall facing Pearl Street, the petitioner would like to add a tasteful sign identifying the location as "Ivory Plaza". Mr. Crissafulli stated the Town had defined the proposed sign as similar to a monument sign, and therefore an additional ground sign requires Board approval. There is an existing 222.5 sq. ft. ground sign at the entrance to the shopping center from Pearl Street, located on the 120 Pearl Street property.

Mr. Ford expressed he did not have an issue with the additional sign as it was not a typical business sign and was to provide branding and identification of the shopping center. Mr. Ford also alluded to the importance of signage to help the general public navigate or find their way to the retail buildings, as the site has a significant topographical elevation change. Mr. Sciascia stated they had already provided a number of signage variances for the shopping center and that allowing more may set an unwarranted precedent. Mr. Walker felt the improvements to the shopping center were significant and the sign would not be detrimental to the neighborhood.

The petitioner seeks the following signage variances:

- **Variance from Section 135-904.2 (A)(1)(g):** The Braintree Zoning Bylaw states "One secondary ground sign may be permitted by the Zoning Board of Appeals if it determines that the nature of the use of the premises, the architecture of the building, or the location with reference to the street or way is such that additional ground signs should be granted in the public interest. The total of all ground signs visible to the access road shall not exceed 150 square feet in area." There is an existing ground sign of approximately 222.5 sq. ft. (12' x 18'6.5"). The proposed sign, mounted on an existing retaining wall, is considered a ground sign (similar to a monument sign). Therefore an additional ground sign requires Board approval.

As grounds for the variance, the petitioner noted the large "brick & mortar" stores are located up on a hill and difficult to see from the both the major access roadways (Pearl Street & Ivory Street). The location is also a large distance from Pearl Street. In addition, the proposed signage will not be oriented or be visible to any immediate residential areas. The petitioner discussed the proposed sign is part of the recent cosmetic upgrade of the retaining wall from a concrete to a stone façade. As part of the significant upgrade, the proposed sign will "break up

the wall” and provide additional wayfinding for visitors, potential patrons and the general public. Lastly, the petitioner stated the overall design and size of the sign is atheistically pleasing.

The petitioner presented signage plans entitled “Work Order #06-20533”, prepared for F.X. Messina: Ivory Plaza, 120 Pearl St., dated June 13, 2018, and prepared by I.D. Sign Group, Inc. of Easton, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval with the condition that there be no sign illumination from 1am-6am, pursuant to Section 135-905. Elizabeth Paige commented that the design of the proposed lettering was not atheistically pleasing. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

Findings

The Board found, that when analyzed in relationship to the building and surrounding area signage, the proposed increase in signage area is appropriate in design, size and scale. The Board found the location of the retail plaza is uniquely situated higher than the primary roadway and setback significantly. As such, the Board found the additional sign was warranted due to the limited visibility of the shopping center due to the uniquely shaped lot and significant topographical change from the street to the buildings. In addition, the Board found that the petitioner had demonstrated the need for relief from the Zoning By-law as the proposed additional sign is necessary to identify the location of the business and for the traveling public to be safely directed to the businesses. Lastly, the Board found that the sign would be well designed, appropriate in terms of size and consistent with prior granted relief. As a result, the Board found relief can be granted without resulting in a substantial detriment to the public good and will not nullify the intent of the Zoning By-law.

Decision

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested variance from Bylaw Section 135-904.2, pursuant to Bylaw Section 135-407 and 908, in accordance with the plans submitted and the condition of no sign illumination from 1am-6am, pursuant to Section 135-905.

APPROVAL OF MINUTES:

On a motion made and seconded, the Board voted 3-0 to accept the August 20, 2018 meeting minutes.

The Board adjourned the meeting at 8:30 pm.