

APPROVED



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 25, 2019

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

ALSO PRESENT: Christine Stickney
Director-Planning & Community Development

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 25, 2019 at 7 p.m.

Chairman Karll calls the meeting to order at 7:00 PM and explains the process for hearing petitions before the Zoning Board of Appeals.

NEW PUBLIC HEARINGS:

Petition #19-28
168 Edgehill Road

Stephen, Wallace, 168 Edgehill Road, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135-403, 407 and 701 to construct a secondary story addition 12' x 23.7' (284.4 SF) over the existing dwelling that is 9.4' LF from the required 10' side yard setback. The applicant seeks a permit, variance and/or finding that the proposed alteration is not substantially more detrimental to the neighborhood. The property is located at 168 Edgehill Road and is zoned Residential B, as shown on Assessors Map 3037 Plot 26 and contains a land area of +/- 4699 SF.

Sitting on this Petition for the Zoning Board of Appeals were: Stephen Karll, Chairman, Michael Ford and Richard McDonough with Gary Walker, Alternate. Chairman Karll is satisfied that the abutters and the abutters to the abutters within 300 feet have been duly notified. The Planning Board had no recommendation on this matter. Staff recommendation is found on Page 2 of the Staff Report.

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Stephen Wallace, 168 Edgehill Road, explains that he is looking to enclose an existing porch and create a bit of storage and make it weather tight. They would like to make the house less “odd” shaped. Director Stickney highlights a plan that shows the proposed construction and another plan that highlights the deck. Chairman Karll confirms that the Applicant is staying within the footprint.

Director Stickney explains the property is in the floodplain, but the structure itself is not in the floodplain. Therefore, the Applicant is not subject to the elevation issue, and he is staying within the footprint. Staff recommends approval, and explains that this needs a variance and a finding. Staff explains that the Planning Board has been relying on the staff recommendation.

There are no questions or objections from the general public.

There are no questions from Zoning Board Members.

Chairman Karll asks if there is anyone else in favor and confirms that there is no one in the audience opposed. Seeing no one opposed, Chairman Karll closes the Public Hearing, and he explains that we need a Finding and a Variance. Member Ford confirms that this is pretty straight forward.

Member Ford **MOTION** to approve the Petition, subject to the plan, with a Finding that this is not more detrimental to the neighborhood than what presently exists and as a result of the shape and soil and topography of the land, the Applicant meets the Variance requirement; seconded by Member McDonough; voted 3:0:0 (voting: Karll, Ford, McDonough).

Petition #19-29

238-310 Grove Street

TRT Braintree II LLC, property owner of 238-310 Grove Street (a/k/a Stop & Shop Plaza), Braintree, MA 02184 on behalf of their tenant, The Paper Store, for relief from the Zoning Bylaw requirements under Chapter 135-407 & 904.1 for the installation of a 5' x 27'.5" (137.5 SF) wall sign on the front of proposed store location within the existing plaza. The applicant seeks a variance for the proposed sign that exceeds the requirements for a wall sign in a General Business zone. The property is located at 238-310 Grove Street and is zoned General Business, as shown on Assessors Map 1084 Plot 10 and contains a land area of +/-13.3 acres.

Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman, Michael Ford and Stephen Sciascia with Richard McDonough, Alternate. Chairman Karll is satisfied that the abutters and the abutters to the abutters within 300 feet have been duly notified. The Planning Board had no recommendation on this matter. Staff recommendation is found on page one of the Staff Report.

Don McGill, Contractor for the space, explains that they are looking to put up a sign, as described in the application. It is the same sign that goes up at all locations for The Paper Store, and there are 90 locations within New England. Mr. McGill explains that The Paper Store will be located next to Sherwin Williams.

Director Stickney explains Connor Murphy reviewed this and recommends approval of the application.

Chairman Karll has no objection as businesses need to show people where they are. Director Stickney confirms they will be putting a sign on the directory up front. Mr. McGill confirms that the mall owners are putting in an application for a new podium sign. The application tonight is for the sign on the building. Chairman Karll asks if this sign will be lit. Mr. McGill explains this will be backlit. Chairman Karll provides a reminder that there are time limits for lit signs. Director Stickney states that, if agreeable, a condition can be added that states the sign must shut off one hour after the close of business, and the sign cannot be on between the hours of 11:00 PM and 6:00 AM.

There are no questions or objections from the general public.

There are no questions from Zoning Board Members.

Chairman Karll asks if there is anyone else in favor and confirms that there is no one in the audience opposed. Seeing no one opposed, Chairman Karll closes the Public Hearing.

Member Ford **MOTION** to approve the Petition, subject to the limitations around lighting of the sign; seconded by Member Sciascia; voted 3:0:0 (voting: Karll, Ford, Sciascia).

Petition #19-30
17 Plymouth Avenue

Carl Joust, 17 Plymouth Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135-403, 407, 609 and 701 to construct a new rear shed dormer approx. 17.5' x 44' (770 SF) above the existing first floor residence. The applicant seeks a permit, variance and/or finding that the proposed alteration is not substantially more detrimental to the neighborhood. The property is located at 17 Plymouth Avenue and is zoned Watershed Residence B, as shown on Assessors Map 1080 Plot 10 and contains a land area of +/- 5123 SF.

Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman, Michael Ford and Gary Walker, with Richard McDonough as Alternate. Chairman Karll is satisfied that the abutters and the abutters to the abutters within 300 feet have been duly notified. The Planning Board had no recommendation on this matter. Staff recommendation is found on page three of the Staff Report.

Director Stickney explains that staff had some concerns about the roofline. Staff understands that the Applicant wants to do a full shed dormer, but there were questions with the way the roofline goes. Director Stickney asks the Applicant if they are taking the whole roof off. Mr. Joust explains that they are not taking the whole roof off, and it is identical to Picture A in the Staff Report. Director Stckney explained that the elevations seem to show something else. Member Ford states the drawings indicate that the height of the roof changes. Mr. Joust explains that the front of the roof all remains, but they rip the back off from the ridge line back. They are raising the ridge line up about 12 inches to get more headroom. Member Ford asks what that does to the engineering as far as load support goes. Mr. Joust state it "sisters on" to the roof tresses. Member Ford asks about changing the center because now the peak of the house is not over the support columns that are holding the roof up and supporting the second floor. Member Ford confirms that the Applicant has had a Structural Engineer look at this. Mr. Joust confirms that they have a structural engineer and explains that there is no load above that. Basically, all it is carrying is the roof. Director Stickney states the Assistant Director was concerned that it would be off-balance and less aesthetically pleasing. Mr. Joust states the roofline is higher because the bedrooms are not usable from a height perspective, as it is. The Applicant states it would be more aesthetically pleasing from the front. The front remains the same, as a four-pitch roof.

Director Stickney states the only thing we get involved is determination of the height. The engineer did provide spot-grades around the property. Staff had questions about how the Applicant came up with median grade. Director Stickney discusses the averaging of all four corners. Director Stickney suggest, at the end with your As-Built plan, have your architect verify that the height is below the requirements for that building. Director Stickney confirms the building height requirement is 35 feet with a maximum of 3 stories.

Member Ford is fine with stamped plans done by an engineer. Member Sciascia's concern is more aesthetically because a house like this stands out because you see a huge roof line; Member Sciascia cites a house on Parkside Circle. The Applicant explains they are raising the roof 12 inches so a normal person can stand on the second floor. The second floor will be the same height as the first floor (7'10"). Mr. Joust is the contractor and the owner. Chairman Karll confirms that the Applicant is not going to live in this house. Chairman Karll does not have an issue.

Director Stickney asks that the Zoning Board Members review of the conditions recommended by Assistant Director SantucciRozzi. The Applicant confirms that "all windows and exterior finishes shall be designed to match or complement one another", as stated in suggested conditions.

Chairman Karll reads the Staff Recommendation and discusses with the Applicant that maintaining the height of the existing ridge defeats the purpose of this renovation, which is to make the room usable. Director Stickney states the point of the windows is a valid point made by staff, but now that the Applicant has explained the project, the staff review did not have the privilege of the Applicant's explanation when she was writing the report. Mr. Joust states that they have done about 100 shed dormers, and it will look super nice and improve the value of the house and the neighborhood.

Member Ford understands the concern with aesthetics, but to raise the roof entirely would be costly. Director Stickney doesn't think staff was suggesting that the Applicant raise the roof, but she didn't know how the Applicant was going to add that additional area. Member Walker states that it is on the back of the house.

There are no questions or objections from the general public. Seeing no one opposed, Chairman Karll closes the Public Hearing.

There is no further discussion from Zoning Board Members. Chairman Karll explains this requires a Finding.

Member Ford **MOTION** to approve the Petition, subject to the plans and with the Conditions detailed in the Staff Report, with a finding that this is not more detrimental to the neighborhood than what presently exists; seconded by Member Walker; voted 3:0:0 (voting: Karll, Ford, Walker).

APPROVAL OF MINUTES:

On a **MOTION** duly made by Member Ford and seconded by Member McDonough, the Zoning Board voted 3-0 to accept the meeting minutes from the August 26, 2019 Regular Session.

The Board adjourned the meeting at 7:32 PM.

Respectfully submitted,
Louise Quinlan