



Department of Planning & Community Development

Zoning Board of Appeals

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

APPROVED

Joseph. C. Sullivan
Mayor

Zoning Board of Appeals (ZBA) Meeting Minutes October 28, 2019

IN ATTENDANCE:

Stephen Karll, Chair
Michael Ford, Member-Absent
Richard McDonough, Member
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 #19-33

1501-1553 Washington Street

FoxRock 1500 Campus Realty LLC, property owner of 1501, 1505, 1515, 1525 and 1535 Washington Street seeks relief from Zoning Bylaw requirements under Chapter 135-407, 707 and 904.2 to erect wayfinding/ground signs at the business park entry at the corner of Braxton & Washington Streets and at three other locations within the business park. In addition, relief is sought for proposed ground signs relative to building identification in five locations within the campus. The applicant seeks for all proposed signage that exceeds requirements for ground signs in Watershed Highway Business, as shown on Assessors Map 1053 Plots 12B, 12C, 12D, 12H and 12i with combined land area of +/- 47 acres.

Sitting on this case for the Zoning Board of Appeals were: Chairman Stephen Karll, Richard McDonough and Gary Walker. 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 two of the Staff Report.

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Attorney Frank Marinelli, appears on behalf of Foxrock 1500 Campus Realty LLC and he appreciates the Board and other applicants allowing him to proceed out of order. With Attorney Marinelli is Mark Carroll, CEO of Foxrock, and Scott Clement with SignDesign, who prepared all the plans before the Board. Attorney Marinelli hands out materials to provide clarification on the presentation. The proposal is related to the acquisition of the properties by Foxrock during the summer of 2018. Since that time, they have taken this business park, upgraded it, improved it and increased the tenancies. The applicant has been before the Planning Board several times. And before ZBA for Aspire Behavioral Services. The smaller plan shows the odd configuration of the complex. It is about a 47 acre campus. Closer to the railroad tracks and Washington Street is the Thayer hockey site. Thayer was before the ZBA for a sign approval in September at the corner of Washington and Braxton? The applicant has worked with Thayer on a very attractive combined sign in the form of a monument sign on a nice stone base. It is a modification from File 19-27, which was a ZBA decision in September. That is proposed for modification with the new sign the ZBA has before them. Attorney Marinelli discusses the changing topography at the site and the existing tenants in the site: Goodsports, The Lottery, Iron Mountain and South Shore Elderly Services (all located at 1515 Washington). Aspire Behavioral Services will occupy 1501 Washington Street. 1505 Washington is a data center. At 1525 Washington Street, we have Hub Pen Company. The four buildings comprise 420,000 Square Feet of building on 33 acres of property.

Attorney Marinelli states, as pointed out by staff, this is a very modest sign package done for way-finding and to facilitate traffic turning movements, safety and public convenience. Attorney Marinelli highlights the sign information, and on page two you can find the square footage for each of the signs proposed, which shows the square footage of each sign is very modest, and you can see from the visuals prepared by SignDesign that each sign is quite attractive. The Monument sign is 61.83 square feet. The Monument sign will be internally illuminated. There are three wayfinding signs proposed (50 SF; 20 SF; 20SF); Attorney Marinelli highlights the locations and square footage for each of the wayfinding signs. These signs are attractively done with aluminum and white vinyl letters. The wayfinding signs are not internally lit, but they are reflective. There are five building signs (26SF; 26SF; 24SF; 26SF; 26SF); Attorney Marinelli highlights the locations and square footage for each of the building signs. The building signs are not internally lit, but they are reflective. In total it is 279.83 square feet of necessary signage. Attorney Marinelli explains that you can see from the first page of the small handout the highly irregular shape of the park itself and each of the lots comprising the park; there is a topographical change from west to east and the juxtaposition of the four structures themselves, which lends to the need of this type of identification being proposed. There is no public detriment; it is all Highway Business property. The signs are not causing a nuisance. The signs are very attractive. They have worked with their neighbor, Thayer Academy, to add a very attractive Monument Sign. Mr. Flatley reserved a sign easement for the location of the Monument Sign.

Chairman Karll asks if the monument sign is the only illuminated sign and what are the hours of illumination. Attorney Marinelli states they can set it up with a timer. The tenants within the park do not work all night. Director Stickney advises that the Thayer Rink may be opened until midnight. Director Stickney suggests that the illumination on the monument sign be turned off between 1AM and 4AM, as there may be early morning hockey games.

Chairman Karll mentions that the recommendation by the Planning Department was in favor of the petition. Chairman Karll feels they are good looking signs, designed well to address public concern and safety.

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Director Stickney asks who will be putting the tenant names on the signs. She wants to prevent a hodge podge look. Foxrock will control the wayfinding sign. Director Stickney prefers a uniformed look, and the Applicant agrees.

Dan Eldredge with Eck McNeely representing Thayer Academy mentions that they worked with Foxrock to design the monument sign at the corner, and they support the approval.

Chairman Karll asks if anyone in the audience is in favor or in opposition; there are no responses. Therefore, Chairman Karll closes hearing.

Member McDonough **MOTIONS** to approve the Petition, subject to the plans and with the conditions of lettering uniformity and lighting restrictions as discussed in this meeting; seconded by Member Walker; voted 3:0:0 (voting: Karll, McDonough, Walker).

Petition #19-31

238-310 Grove Street

TRT Braintree II LLC, property owner of 238-310 Grove Street (a/k/a Stop & Shop Plaza), Braintree, MA 02184, for relief from the Zoning Bylaw requirements under Chapter 135-407, 904.1, 905 and 909 for the installation of a 19.5' X 7.58' 148 Sq. Ft. ground sign at the existing middle curb cut on Grove Street. The applicant seeks a variance for the proposed sign that exceeds the requirements for a ground 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.

Chairman Karll is satisfied that the abutters and the abutters to the abutters within 300 feet have been duly notified. Sitting on this Petition for the Zoning Board of Appeals are Chairman Stephen Karll, Richard McDonough and Gary Walker. The Planning Board had no recommendation on this matter. Staff recommendation is found on Page 2 of the Staff Report, and staff recommends in favor of the petition.

Alicia Busconi, Vice President of Property and Asset Management with Keypoint Partners, represents TRT Braintree II for this petition for a new pylon sign. The asset is located on Grove Street on a 13 acre parcel, now known as Stop & Shop Plaza. It was originally built in 1960 by the Tedesci Family. The property is currently at 177,000 square feet. Originally there were three tenants on the sign. Through last year there were approximately 17 tenants at the location. In the area vacated by T.J. Maxx and Homegoods, we now have 3 out of the 7 spots filled. Part of the property is perpendicular to the roadway, and there is about a 500 foot setback for those tenants. In the retail climate, signage and visibility are key to attracting tenants. Those tenants in the perpendicular wing are requesting more signage visibility. Currently the existing sign is 19 feet high and 7 feet wide or 133 square feet. They are proposing to keep that sign at 19.5 feet tall to 7.6 feet wide or 148 square feet. The original sign was approximately 60 square feet in its sign area, and they are now proposing 85 square feet in sign area. They are asking to be able to put in approximately 11 tenants on the sign. That will allow them to broadcast the 7 vacancies plus some of the anchors. For the tenants that are located in the section perpendicular to Grove Street, they have been granted some larger signs, and they therefore have some visibility from the roadway. There is discussion on what business would go on the proposed signage.

Chairman Karll asks about existing signage near CVS for some of the smaller tenants. Chairman Karll concludes that it will leave 4 tenants without signage.

Ms. Busconi explains that the Applicant didn't want to go any higher than 19.5 SF. They are reserving the sign for the newer wing because it is perpendicular to the roadway. Tenants are looking for more nimble platforms, as they are looking for smaller space.

Member Walker mentions that the original sign has a big open space on the lower area, and the new sign is filled in. He asks if that will affect visibility coming out of parking lot and onto street. Ms. busconi explains have proposed to retain 20 inches with 24 inches of a decorative base; however, they could lower the decorative base and provide a 30 inch opening.

Member McDonough clarifies whether adding additional stores will lower the opening gap even more. Ms. Busconi explains that they would just rework the size of existing signage, and she explains that lighting will be internally illuminated LED's and on a timeclock. The lights are shut off one hour after the last business closes, which is Stop & Shop. Chairman Karll has no problem with one hour after the last business closes, and lights may go on at 4:00 AM because of Crunch Fitness and Dunkin Donuts.

There are no further questions from Members; Chairman Karll asks if anyone in the audience is in favor or in opposition; there are no responses. Therefore, Chairman Karll closes hearing.

Director Stickney asks if ZBA members are recommending that the entire decorative feature be removed; Chairman Karll clarifies that there should be 30 inches from the bottom of the sign to the decorative base. They are not removing the decorative base; they are reducing it in height. Ms. Busconi explains that there will be an opening of 30 inches and a decorative base of about 15 inches. Director Stickney suggests that the plan be revised to show the suggested height.

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 McDonough **MOTIONS** to approve the Petition, subject to the change in height of the decorative base to allow for a 30 inch opening and to the illumination being shut off between Midnight and 4:00 AM, with a Finding that this is not more detrimental to the area and is for public safety and for wayfinding; seconded by Member Walker; voted 3:0:0 (voting: Karll, McDonough, Walker).

Petition #19-32 349 Franklin Street

Arian Demiri, 58 Smith Street, Quincy, MA 02169, property owner of 349 Franklin Street, Braintree, MA 02184 seeks relief from Zoning Bylaw requirements under Chapter 135-402, 403, 407 and 701 to construct a second story addition (32.7x24.5) to the existing non-conforming single family residence. The existing residence footprint is non-conforming as to the side yard setback and the proposed addition for height. 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 349 Franklin Street and is zoned Residence A/Residence B, as shown on Assessors' Map 2047 Plot 23 and contains a land area of +/-9,934 SF.

Chairman Karll is satisfied that the abutters and the abutters to the abutters within 300 feet have been duly notified. Sitting on this case for the Zoning Board of Appeals were: Chairman Stephen Karll, Richard McDonough and Gary Walker. The Planning Board had no recommendation on this matter. Staff recommendation is found on page two of the Staff Report and indicated that what is proposed will not be more detrimental to the neighborhood than the existing non-conforming structure.

Chairman Karll reads the two conditions recommended by staff as follows: (1) The attic is to be used for storage and not habitable space unless the Applicant has reappeared before the Zoning Board of Appeals for approval with designed modifications for building code access; and (2) Upon completion of the construction, the Applicant shall provide an As-Built Architectural Plan, depicting only the elevation of the house, stamped by a Registered Architect, attesting to the actual constructed height based on the average grade of the approved site plan to assure compliance with height requirements.

The Applicant, Arian Demiri, explains that he bought 349 Franklin Street on August 15. He currently resides in a townhouse at 58 Smith Street in Quincy. He has two children; he and his wife are looking to upgrade. The property is in rough shape. They are trying to raise the ceilings. They are not adding extra bedrooms. It currently has an operational garage (22'X11'). They are looking to redo the whole house from top to bottom.

Director Stickney states there was some discussion on average grade and measuring building height. Mr. Demiri advises that they are at 30.8 in height; however, architectural renderings depict 34.1 in height. Director Stickney states he is very close to the height limitation, and they are asking for it to be reshot after because it varies based on topography of the site; this is being requested as a condition. Director Stickney mentions that, if the Applicant was going to use the attic, they would need an additional egress. Chairman Karll asks about the location, and the Applicant explains he is located almost across from Panera. Chairman Karll asks who is doing the work. The Applicant mentions that he does construction, and he will get a general contractor.

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.

Chairman Karll explains that we need a Finding that what the Applicant is proposing is not more detrimental than what is existing in the area.

Member Walker **MOTIONS** to approve the Petition with conditions proposed by Staff; seconded by Member McDonough; voted 3:0:0 (voting: Karll, McDonough, Walker).

APPROVAL OF MINUTES:

On a **MOTION** duly made by Member McDonough and seconded by Member Walker, the Zoning Board voted 3-0 to accept the meeting minutes from the September 25, 2019 Regular Session.

APPROVAL OF 2020 MEETING DATES:

The Zoning Board accepted the Meeting Dates for the 2020 Calendar, selecting December 21 as the December date.

Director Stickney mentions that she has made a choice to replace Jeremy with Connor Murphy. In addition, staff will be looking at a new fee schedule, and there may be some efficiencies and improvements after the first of the year. There is discussion about proposed new members.

There is a thank you expressed from the ZBA members for staff's efforts during this time, and the Board adjourned the meeting at 7:56 PM.

Respectfully submitted, Louise Quinlan, Planning and Community Development