



# Department of Municipal Licenses and Inspections

## Zoning Board of Appeals

90 Pond Street – Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

### Meeting Minutes

November 29, 2012

**IN ATTENDANCE:** Stephen Karll, Chairman  
Jack Gauthier, Member  
Michael Calder, Member

**ALSO PRESENT:** Russ Forsberg, Inspector of Buildings  
Carolyn Murray, Town Solicitor

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

#### OLD BUSINESS:

- 1) Petition Number 12-29**  
**Edlira Lamani (Eda's Café)**  
**RE: 639 Granite Street**

Present: Edlira Lamani, petitioner

Mr. Karll made a recommendation based on available information that the applicant should consider withdrawing the petition without prejudice.

On a motion made by Mr. Calder and seconded by Mr. Gauthier, the board voted unanimously to grant the withdrawal of the petition without prejudice.

- 2) Petition Number 12-46**  
**Joseph and Ann Amendolare**  
**RE: 169 Cedar Street**

Present: Joseph Amendolare, petitioner and John Harris, contractor for petitioner.

This is a petition filed by Joseph Amendolare of 169 Cedar Street, Braintree, MA regarding the same property, in which the applicant is seeking relief from the Town of Braintree Zoning By-laws under Chapter 135, Sections 135-403, 407, and 701. The applicant seeks a permit, variance and/or finding to remove an existing deck and replace it with an enclosed laundry room of the same dimensions, all in accordance with the plans of

record. The property is located within a Residential B District as shown on Assessors' Map 2066, Plot 32, which contains a land area of +/- 9,640 Sq. Ft.

### **Notice**

Pursuant to notice duly published in a newspaper in general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was scheduled for October 23, 2012, but continued until November 29, 2012 before the Zoning Board of Appeals at 7 p.m. at Braintree Town Hall, One J.F.K. Memorial Drive, Braintree, MA. Sitting on this petition was Chairman, Steve Karll, and members Jack Gauthier and Michael Calder.

### **Evidence**

The petitioner, Joseph Amendolare, represented himself and appeared with John Harris, his contractor. The petitioner explained that he recently purchased the house, and he wants to demolish an existing 10 ft. x 10 ft. deck on the rear of the dwelling and replace it with a laundry room, storage and closet of the same dimensions and in the same location as the existing deck. The proposed laundry room would be located 23 feet from the rear lot line, while the Zoning By-law requires a rear yard setback of 30 feet.

In the Planning Board report, staff noted that in 1998, a prior owner applied to the Board for relief to construct two decks on the rear of the dwelling, one measuring 10.2 ft. x 10.8 ft. and the other measuring 14 ft. x 30 ft. The Board granted relief for the larger deck only, but both decks were built. The proposed laundry room is proposed to be built where the 10.2 ft. x 10.8 ft. deck was built without benefit of the Board's approval. The larger deck that was built is 23.1 feet from the rear lot line. The proposed laundry room will be located 21 feet from the rear lot line.

The petitioner's lot and structure are pre-existing nonconforming. The petitioner's lot contains only 9,640 SF, while the Zoning By-law requires a minimum lot size of 15,000 SF. The lot also lacks the required 100 feet of lot depth, as it offers only 92 feet of lot depth. The existing dwelling on the lot is also pre-existing nonconforming, as the dwelling is located 9.5 feet from the northwesterly lot line, while the Zoning By-law requires a side yard setback of 10 feet. By virtue of a variance granted by the Zoning Board in 1998, the existing dwelling encroaches into the rear yard setback, as the dwelling is located 23.1 feet from the rear lot line. The proposed laundry room will further encroach into the rear yard setback, as it will be located 21 feet from the rear lot line. However, following case law established by Gale v. Zoning Board of Gloucester, 80 Mass.App.Ct. 331 (2011), a finding is required under G.L. Chapter 40A, Section 6.

The petitioner submitted a plan entitled "Cedar Street Plan Showing Proposed Improvements in Braintree, MA," dated October 24, 2012, prepared by Hoyt Land Surveying of Weymouth, MA.

No one else spoke in favor of or opposition to the petition. The Planning Board voted 5-0-0 to recommend favorable action on the requested relief.

### **Findings**

The Board found that the proposed laundry room, to be located 21 feet from the rear lot line, would not be more detrimental to the neighborhood than the existing dwelling, which is located 23.1 feet from the rear lot line (by virtue of a 1998 variance) and 9.5 feet from the northwesterly side lot line. Finally, the Board found that the requested relief could be granted without detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-law.

### **Decision**

On a motion made by Mr. Calder and seconded by Mr. Gauthier, it was unanimously voted to grant the requested relief, subject to the plan presented.

**3) Petition Number 12-48**  
**Ed Scigliano, c/o Sign-A-Rama**  
**RE: 265 Granite Street**

Present: Ed Scigliano, petitioner and representative for Sign-A-Rama

This is a petition filed by Ed Scigliano of Sign-A-Rama, 62 Main Street, Kingston, MA 02364 on behalf of the property owner, Global Montello Group, 404 Wyman Street, Suite 425, Waltham, MA 02451, regarding the property located at 265 Granite Street in Braintree. The petitioner seeks relief from the Zoning By-law requirements under Chapter 135, Sections 403, 407, and 904.5 to replace existing signage for the convenience store to reflect the new brand name "Alltown". The property is located in a Highway Business District and contains +/- 14,948.64. SF of land, as shown on Assessors' Map No. 2043, Plot 1E.

### **Notice**

Pursuant to notice duly published in a newspaper in general circulation in the Town posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was scheduled for November 29, 2012 at 7 p.m. at Town Hall at One J.F.K. Memorial Drive, Braintree, MA. Sitting on this petition was Chairman, Stephen Karll, and members, John Gauthier and Michael Calder.

### **Evidence**

The petition was presented by Ed Scigliano of Sign-A-Rama, who has been hired by "Alltown" to replace the "On The Run" signs to reflect the new brand name of the convenience store affiliated with the Mobil Gas Station at this site and multiple other sites. The petitioner has previously applied for and been granted relief to install an existing ground sign and wall sign. The signs are governed by Section 135-904.5 of the Zoning By-laws, relative to gasoline service stations. According to Section 135-904.5(A)(1)(g), signs other than those relating to the oil company, gas prices, and gas station related services such as oil changes, may only be permitted by the Zoning Board of Appeals as they deem necessary to advise the public. In addition, Section 135-904.5(A)(1)(a)(ii), one ground sign with the logo of the oil company is allowed, provided said ground sign does not exceed 150 SF in area and is no higher than 40 feet above ground level. Further, Section 135-904.5(A)(1)(f) allows one wall sign for the name and/or company logo on the building, not to exceed 150 SF or one square foot of area for each linear foot of building fronting on the public way, whichever is less.

Currently, the gas station has one double-sided ground sign that states "Mobil" on one panel and "On The Run" in another panel to denote the convenience store located within the station. The "On the Run" panel will be removed and replaced with a double-sided "Alltown" sign measuring 28.38 SF. The Alltown letters will be 10.5 inches high. There will be no increase in the proposed height or total square footage of the existing ground sign.

In addition, there is an existing wall sign on the building stating "On The Run" located in the middle with a yellow band that runs the full length of the building façade. The existing yellow band is 35.50 inches high by 388 inches in length. The "On The Run" segment is elevated above the yellow band and has a curved arc, which measure 43.50 inches at its apex and extends 110 inches in length. The petitioner seeks to replace this

sign with a sign with a smaller profile. The yellow band will be replaced by a dark blue awning measuring 35.50 inches in height and extending the length of the façade at 388 inches. The “Alltown” sign in the center will be rectangular, rather than an arc, and will measure 43.50 inches in height for a length of 110 inches. The “Alltown” letters will be 14 inches in height by 65 inches in length. The dark blue band will also state “Braintree” in letters of 4 1/8 inches in height. There will also be some blue and grey stripes above “Braintree”. The total area of the proposed “Alltown” sign and banner is just less than 102 square feet. The linear footage of the building fronting on Granite Street is 32.3 feet. The total proposed building signage consisting of the “Alltown” segment and the “Braintree” segment with the striping (excluding the full length of the banner) is 50.21 SF, which exceeds the amount allowed under Section 904.5(A)(1)(f). As the total area of the proposed signage exceeds the area of the existing signage, a variance is required.

As grounds for the requested relief, the applicant explained that “On The Run” has changed its brand to “Alltown” and therefore, all existing signs must be replaced to reflect the new name. The convenience store is located within the gas station, and proper signage is needed to identify the store and to direct the traveling public safely to this location. The petitioner proposes to replace existing signage with signage of the same or similar dimensions. All signs will be lit with internal white lettering.

The petitioner submitted four sheets with renderings for “Alltown”, prepared by Sign-A-Rama, entitled “265 Granite Street, Store #2725, Braintree, MA,” dated 9/13/12. The sheets are entitled:

1. “Store #2725, Braintree, MA – Exterior – Main Identifier” ;
2. “Store #2725, Braintree, MA – Exterior – Main Identifier - Proposed”;
3. “Store #2725, Braintree, MA – Exterior – Main ID Pole Sign” ; and
4. 265 Granite Street, Alltown visual identity color system.

No one else spoke in favor of or opposition to the petition. The Planning Board voted 3-0-0 in favor of the requested relief.

### **Findings**

The Board found that the petitioner had demonstrated the need for relief from the Zoning By-law. Specifically, the Board found that the proposed wall sign and alteration of the existing ground sign is necessary to identify the location of the re-branded business and to direct the public traveling to the site. The Board further found that the proposed wall sign would increase the business' visibility and improve traffic circulation which would lead to safer traffic conditions and greater public convenience in directing traffic to the site. The Board also concluded that the requested relief could be granted without detriment to the public good and without nullifying or substantially derogating the intent and purpose of the Zoning By-law.

### **Decision**

On motion made by Mr. Calder and seconded by Mr. Gauthier, it was unanimously voted 3-0 to grant the requested relief, subject to the plans presented.

- 4) Petition Number 12-49**  
**Ed Scigliano, c/o Sign-A-Rama**  
**RE: 250 Granite Street**

Present: Ed Scigliano, petitioner and representative of Sign-A-Rama

This is a petition filed by Ed Scigliano of Sign-A-Rama, 62 Main Street, Kingston, MA 02364 on behalf of the property owner, Global Montello Group, 404 Wyman Street, Suite 425, Waltham, MA 02451, regarding

the property located at 250 Granite Street in Braintree. The petitioner seeks relief from the Zoning By-law requirements under Chapter 135, Sections 403, 407, and 904.5 to replace existing signage for the convenience store to reflect the new brand name "Alltown". The property is located in a Highway Business District and contains +/- 20,790 SF of land, as shown on Assessors' Map No. 2089, Plot 22.

### **Notice**

Pursuant to notice duly published in a newspaper in general circulation in the Town posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was scheduled for November 29, 2012 at 7 p.m. at Town Hall at One J.F.K. Memorial Drive, Braintree, MA. Sitting on this petition was Chairman, Stephen Karll, and members, John Gauthier and Michael Calder.

### **Evidence**

The petition was presented by Ed Scigliano of Sign-A-Rama, who has been hired by "Alltown" to replace the "On The Run" signs to reflect the new brand name of the convenience store affiliated with the Mobil Gas Station at this site and multiple other sites. The petitioner has previously applied for and been granted relief to install an existing ground sign and wall sign. The signs are governed by Section 135-904.5 of the Zoning By-laws, relative to gasoline service stations. According to Section 135-904.5(A) (1)(g), signs other than those relating to the oil company, gas prices, and gas station related services such as oil changes, may only be permitted by the Zoning Board of Appeals as they deem necessary to advise the public. In addition, Section 135-904.5(A)(1)(a)(ii), one ground sign with the logo of the oil company is allowed, provided said ground sign does not exceed 150 SF in area and is no higher than 40 feet above ground level. Further, Section 135-904.5(A)(1)(f) allows one wall sign for the name and/or company logo on the building, not to exceed 150 SF or one square foot of area for each linear foot of building fronting on the public way, whichever is less.

Currently, the gas station has one double-sided ground sign that states "Mobil" on one panel and "On The Run" in another panel to denote the convenience store located within the station. The "On the Run" panel will be removed and replaced with a double-sided "Alltown" sign measuring 14.03 SF per side or 28.06 SF in total for both sides of the "Alltown" sign. There will be no increase in the proposed height of 20 feet. The total square footage of all signage on this ground sign will be 74 SF.

In addition, there is an existing wall sign on the building stating "On The Run" located in the middle with a yellow band that runs the full length of the building façade. The existing yellow band is 21.50 inches high by 762.50 inches in length. The "On The Run" segment is elevated above the yellow band and has a curved arc, which measures 60.17 inches at its apex and extends 144 inches in length. The petitioner seeks to replace this sign with a sign with a smaller profile. The yellow band will be replaced by a dark blue awning extending the length of the façade at 762.50 inches. The "Alltown" sign in the center will be rectangular, rather than an arc, and will measure 53 5/8 inches in height for a length of 144 inches, for an area of 53.625 SF. The dark blue band will also state "Braintree" in letters of 4 1/8 inches in height. There will also be some blue and grey stripes aside "Braintree". The total area of the proposed "Braintree" sign and stripes will be 9 SF. The linear footage of the building fronting on Granite Street is 63.5 feet. The total proposed building signage consisting of the "Alltown" segment and the "Braintree" segment with the striping (excluding the full length of the banner) is 62.6 SF, which is just under the amount allowed under Section 904.5(A)(1)(f).

In addition, the petitioner seeks to replace wall sign that states "On The Run" with another sign stating "Alltown" with stripes, measuring 20.19 SF. When combined with the wall sign depicted in the preceding paragraph, the total area of all wall signage is 82.79 SF, which exceeds the amount allowed under Section 904.5(A) (1) (f). As the total area of the proposed signage exceeds the area of the existing signage, a variance is required; however, the petitioner is replacing existing signage.

As grounds for the requested relief, the applicant explained that “On The Run” has changed its brand to “Alltown” and therefore, all existing signs must be replaced to reflect the new name. The convenience store is located within the gas station, and proper signage is needed to identify the store and to direct the traveling public safely to this location. The petitioner proposes to replace existing signage with signage of the same or similar dimensions. All signs will be lit with internal white lettering.

The petitioner submitted four sheets with renderings for “Alltown”, prepared by Sign-A-Rama, entitled “250 Granite Street, Store #2708, Braintree, MA,” dated 9/9/12. The sheets are entitled:

1. “Store #2708, Braintree, MA – Exterior – Main Identifier” ;
2. “Store #2708, Braintree, MA – Exterior – Promotional Light Box”;
3. “Store #2708, Braintree, MA – Exterior – Main ID Pole Sign” ; and
4. 250 Granite Street, Alltown visual identity color system.

No one else spoke in favor of or opposition to the petition. The Planning Board voted 3-0-0 in favor of the requested relief.

### **Findings**

The Board found that the petitioner had demonstrated the need for relief from the Zoning By-law. Specifically, the Board found that the proposed wall sign and alteration of the existing ground sign is necessary to identify the location of the re-branded business and to direct the public traveling to the site. The Board further found that the proposed wall sign would increase the business' visibility and improve traffic circulation which would lead to safer traffic conditions and greater public convenience in directing traffic to the site. The Board also concluded that the requested relief could be granted without detriment to the public good and without nullifying or substantially derogating the intent and purpose of the Zoning By-law.

### **Decision**

On motion made by Mr. Calder and seconded by Mr. Gauthier, it was unanimously voted 3-0 to grant the requested relief, subject to the plans presented.

### **APPROVAL OF MINUTES:**

On a motion made by Mr. Calder and seconded by Mr. Gauthier, the Board voted unanimously to accept the meeting minutes of October 23, 2012.

The Board adjourned the meeting at 7:28 pm.