



# Department of Municipal Licenses and Inspections

## Zoning Board of Appeals

90 Pond Street – Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

### Meeting Minutes

June 24, 2014

**IN ATTENDANCE:** Stephen Karll, Chairman  
Richard McDonough, Member  
Michael Calder, member

**ALSO PRESENT:** Russell Forsberg, Inspector of Buildings  
Peter Morin, Town Solicitor

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

#### **OLD BUSINESS:**

- 1) **Petition Number: 13-54**  
**Petitioner: Gary Gabriel representing Life Resources, Inc.**  
**RE: 100 River Street**

Present: Gary Gabriel representing Life Resources, Inc.

This is a petition filed by Gary Gabriel of 10 Sheffield Drive, Braintree, MA. The petitioner seeks relief from the Zoning By-law requirements under Chapter 135, Sections 403, 407, 701 and 812 to remove the existing building currently used as a group residence, square off the foundation and construct a new building to be used as contractor bays.

#### **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 December 17, 2013 before the Zoning Board of Appeals at 7 p.m. at Braintree Town Hall. The hearing was continued twice with the consent of the applicant. The Board considered the matter on May 27, 2014 and June 24, 2014 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 Michael Calder and Richard McDonough.

#### **Evidence**

The petition was presented by Gary Gabriel. The property is currently within a commercial zone as recorded on Assessors' Plan 2001 Plot 6. The present building is a non-conforming group residence. The building is

located entirely within the 100 Year Floodplain. The non-conforming lot consists of approximately 10,000 square feet and is also does not comply with the front, rear or side setback requirements.

The petitioner seeks to demolish the existing building, patio and shed on the site. The new building will be on the same footprint with a small addition to the existing front wall to square off the building. Pavement in the front yard will be extended to provide access to the new structure's garage doors. The new structure will have two and a half storage bays for the storage of contractor vehicles and equipment. A concrete slab will replace the current building's basement. The new structure will have less overall lot coverage. All vehicles will be stored inside the new building.

By a vote of 4-0-0, the Planning Board recommended favorable action on the petition.

The following residents spoke in opposition to the petition: Eileen and Frank Neeley of 106 River Street, Mathew and Christine McIntyre of 2 Spruce Street, Jane Barney of 38 Myrtle Street, John and Cynthia Manganello of 23 Vine Street, Laura Ferraro of 15 Hunt Ave., Louise Lindbergh, Vitoli Vetreueo of 36 Jersey Ave. Opposition centered on the concern of bringing additional truck and heavy vehicle traffic into a residential neighborhood with many small children, the new structure would create flooding problems for neighboring properties and the runoff of fluids from the vehicles into the adjacent river would cause pollution frustrating the Town's efforts to clean up the river.

### **Findings**

The Board found that the petitioner had demonstrated the need for relief from the Zoning By-law. Specifically, the Board noted that the petitioner's proposed use was allowed in the commercial zone in which the property is presently located. The petitioner could retain the present walls and foundation and use the property as a contractor's storage facility as a matter of right. The Board found that the proposed new structure reduces lot coverage and removes a basement, thereby reducing runoff. The Board further concluded that the resulting structure is not substantially more detrimental to the neighborhood than the existing building and that relief could be granted without denigrating or nullifying the intent or purpose of the Zoning Bylaw. The Board found that the lot shape and the soil conditions provided a basis for the requested relief

### **Decision**

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

- 2) **Petition Number: 14-13**  
**Petitioner: Michael Jolls**  
**RE: 85 Vinedale Road**

Present: Michael Jolls, petitioner

This is a petition filed by Michael Jolls of 85 Vinedale Road Braintree, MA regarding property he owns at that address. He is seeking relief from Bylaw requirements under Chapter 135 Sections 403, 407 and 701 that will allow him to demolish the existing single family home and replace it with a new single family dwelling. The property is located within a Residential B District Zone as shown on Assessors Map 3040 Plot 74. The lot contains a land area of approximately 4000 square feet.

### **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 held on May 27, 2014 before the Zoning Board of Appeals at 7 p.m. at Braintree Town Hall, One J.F.K. Memorial Drive, Braintree, MA. The hearing was opened and continued until June 24, 2014 with the petitioner's consent. Sitting on this petition was Chairman, Steve Karll, and members Michael Calder and Richard McDonough.

### **Evidence**

The property owner, Michael Jolls, explained that he is seeking to demolish a pre-existing non-conforming single family bungalow and replace it with a 2.5 story dwelling with approximately 2300 square feet of living space. The existing lot is a corner lot that is extremely undersized. The Planning Board recommended unfavorable action by a vote of 4-0-0. Their opposition was based on the mass and height of the proposed new dwelling.

At the initial May 27 hearing, the Zoning Board expressed concern regarding the size of the new dwelling and asked if the petitioner would consult with his architect to reduce the height of the new structure and the pitch of the roof. At the subsequent June 24 meeting, the petitioner presented plans that lowered the roofline by two and one-half feet and removed front dormers, on the proposed new structure. The proposed new structure conforms in all but the rear yard setback and the new plans bring the rear setback closer to compliance.

No one else spoke in favor of or opposition to the petition and the public hearing was closed.

### **Findings**

The Board found that relief could be granted based on soil conditions, the unique shape of the lot and that the proposed dwelling conformed in all but the rear yard setback. The new structure would not be substantially more detrimental to the neighborhood and relief could be granted without nullifying the intent or purpose of the Zoning Bylaw.

### **Decision**

On a motion made by Mr. Karll and seconded by Mr. Calder, it was unanimously voted to provide the requested relief.

### **NEW BUSINESS:**

- 3) Petition Number: 14-15**  
**Petitioner: Blaine Brew**  
**RE: 188 Franklin Street**

Present: Blaine Brew, petitioner

This is a petition filed by Blaine Brew of 188 Franklin Street, Braintree, MA regarding property he owns at that address. He is seeking relief from Bylaw Sections 135-402, 403, 407 and 701. He seeks to alter an existing structure on a non-conforming lot.

### **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 held on June 24, 2014 before the Zoning Board of Appeals at 7 p.m. at Braintree Town Hall, One John F. Kennedy Memorial Drive, Braintree, MA. Sitting on this petition was Chairman Steve Karll, and members Michael Calder and Richard McDonough.

### **Evidence**

The petitioner, Blaine Brew explained he seeks to demolish the existing garage and sunroom to the rear of the existing structure and replace them with additional living space on the first and second level, as well as expanding the garage and adding a deck. The lot size does not conform with the minimum width requirements. The proposed construction will also leave the structure without conforming side yard setback. The lot is of an odd shape, comparable to a hand saw. The position of the house on the lot also causes hardship and makes conformity difficult.

The Planning Board voted unanimously by a vote of 4-0-0 to take no action, feeling they lacked information to make an informed recommendation.

No one else spoke in favor or in opposition to the petition and the hearing was closed.

### **Findings**

The Board found that relief could be granted based on the unique shape of the lot and the hardship caused by the placement of the dwelling on the lot. The proposed modifications to the existing structure would not be substantially more detrimental to the neighborhood and relief could be granted without nullifying or derogating the intent or purpose of the Zoning Bylaw.

### **Decision**

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

- 4) Petition Number: 14-16**  
**Petitioner: Herb Chambers, Inc**  
**RE: 75 Granite Street**

Present: Attorney Frank Marinelli representing the petitioner, Peter O'Callahan with Herb Chambers, Inc.

This is a petition filed by Herb Chambers Inc., owners of the property located at 75 Granite Street, Braintree, MA regarding the same property, in which the applicant is seeking relief from the Town of Braintree Zoning Bylaws 135 Sections 403, 407 and 904.2 (A)(5)(a)(b)(c)(g) to install two oval "Ford" wall signs (3 feet x 8 feet 0 inches and 4 feet 0 inches x 9 feet 7 inches) and Channel letters on the wall spelling Herb Chambers (39 inches x 47 feet 6 inches). The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located within a Highway Business District as shown on Assessors' Map 2057, Plot 12F, which contains a land area of approximately 2.394 acres.

### **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 held scheduled for June 24, 2014, 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 were Chairman Stephen Karll, Michael Calder and Richard McDonough.

### **Evidence**

The petition was presented by Attorney Frank Marinelli, on behalf of the property owner Herb Chambers Inc. The new signage is part of overall improvements being made at the dealership. The new sign will be superior aesthetically as the letters will be distributed evenly over the building rather than crammed on one side. The letters are one foot smaller than the four foot letters allowed in a Highway Business Zoning District. At the suggestion of the Planning Board, the size of the sign was reduced. The Planning Board voted to unanimously recommend the requested relief with the reduced size of the signage.

As grounds for the variance, the petitioner stated that the building is located adjacent to a complex system of highways. The signage will assist motorists in making timely turning movements, thereby improving flow and reducing accidents. The topography of the lot includes an east to west downward slope which limits visibility and the shape of the lot is odd due to the aforementioned topography. The wet soil conditions also limit the ability to utilize lot area.

No one else spoke in favor of or opposition to the petition and the public hearing was closed.

### **Findings**

The Board agreed with the Petitioner's assertions that that the property was unique due to slope, soil and visibility issues, creating a hardship requiring signage to announce the location. Further the Board determined that the proposed signage will not nullify or derogate the intent and purpose of the Zoning Bylaw.

### **Decision**

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

### **APPROVAL OF MINUTES:**

On a motion made by Mr. Calder and seconded by Mr. McDonough, the Board voted unanimously to accept the meeting minutes of May 27, 2014.

The Board adjourned the meeting at 8:15pm.