



# Department of Municipal Licenses and Inspections

## Zoning Board of Appeals

1 JFK Memorial Drive – Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

### Meeting Minutes

July 22, 2014

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

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

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

#### **NEW BUSINESS:**

- 1) **Petition Number: 14-17**  
**Petitioner: Stefano and Janice Sardelli**  
**RE: 195 Pleasant View Avenue**

Present: Stefano and Janice Sardelli, petitioner and property owners

This is a petition filed by Stefano and Janice Sardelli of 195 Pleasant View Ave, Braintree, MA. The petitioners are the owners and seek relief from the Zoning By-law requirements under Chapter 135, Sections 403, 407 and 701 to remove an existing metal deck and replace it with wood and adding stairs to connect the wooden deck with a pool deck.

#### **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 July 22, 2014 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. Sitting on this petition was Chairman, Steve Karll, and members Michael Calder and Michael Ford.

#### **Evidence**

The petition was presented by the petitioners Stefano and Janice Sardelli. The property is currently within a Residential B District zone as recorded on Assessors' Map 3040 Plot 96 and contains a land area of approximately 10,500 square feet. The property has ledge as part of its soil conditions.

The petitioner provided a plot plan detailing the proposed new deck, deck expansion and stairs, as well as the existing structure and pool. The petitioners provided correspondence from Dana Judge of 189 Pleasant View Ave., Kathryn M. Coady-Wright of 214 Pleasant View Ave., Franklin Clifford of 168 Trefton Drive, and Linda Ruiz of 200 Pleasant View Ave., all of Braintree stating they had no opposition or issues with the proposal. No one spoke in opposition to the petition.

The Planning Board unanimously supported a favorable recommendation on the petition.

### **Findings**

The Board found that the petitioner had demonstrated the need for relief from the Zoning By-law. The Board further concluded that the resulting structure is not substantially more detrimental to the neighborhood than the existing deck 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. Ford and seconded by Mr. Calder, it was unanimously voted 3-0 to grant the requested relief, subject to the plans presented.

- 2) **Petition Number: 14-18**  
**Petitioner: Carol M. Bugbee of Philadelphia Signs on behalf of Simon Property Group**  
**RE: 250 Granite Street**

Present: Carol Bugbee of Philadelphia Signs, and Dale Hartwig, Architectural Services Manager for the Buffalo Wild Wings

This is a petition filed by Carol M. Bugbee P.O. Box 87 East Sandwich MA 02537 on behalf of the owners Simon Property Group, Richard Tonzi General Manager of the South Shore Plaza 250 Granite Street Braintree, MA, in which the applicant is seeking relief from the Town of Braintree Zoning Bylaws 135, Sections 403, 407 and 904.2 (5)(b) (e) and (g) to install a 10 foot 9 inch by 6 foot 0 inch wall sign over the main entry door of the Buffalo Wild Wings Restaurant. The applicant seeks a permit, variance and/or finding that the proposed signage is not more detrimental to the neighborhood. The property is located within a Highway Business District as shown on Assessors' Map 2089, Plot 022, which contains a land area of approximately 111.645 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 July 22, 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 Michael Ford.

### **Evidence**

The petition was presented by Carol Bugbee of Philadelphia Signs and Dale Hartwig, Architectural Services Manager for the Buffalo Wild Wings national chain. The proposed signage is part of three proposed signs the petitioner seeks to install and the only one which is in need of relief from the Town's Zoning ordinances.

The Planning Board voted to unanimously recommend the requested relief.

As grounds for the variance, the petitioner stated that the building is located in a corner of the mall not highly visible from the street due to the lot shape and building configurations. The proposed sign will not face any residential property adjacent to the mall.

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 lot shape and visibility issues, creating a hardship requiring signage to announce the location. The proposed signage is modest in height and appropriate for the property in density and square footage, when compared to other mall properties that have been granted relief. 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. Calder and seconded by Mr. McDonough, 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 June 24, 2014.

The Board adjourned the meeting at 7:30pm.