



Department of Municipal Licenses and Inspections

Zoning Board of Appeals

1 JFK Memorial Drive – Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

Meeting Minutes

September 23, 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.

OLD BUSINESS:

- 1) Petition Number: 14-19**
Petitioner: John and Kimberly Tavares
RE: 23 Delta Road

Present: Allen Joyce, EcoModern Architecture, LLC

This is a petition filed by John and Kimberly Tavares, the property owners of 23 Delta Road, Braintree Massachusetts in which the applicant is seeking relief from the Town of Braintree Zoning Bylaws 135 Sections 403, 407 and 701 to construct an attached garage. The property is located within a Residence B District as shown on Assessors' Map 1037, Plot 8C, which contains a land area of approximately 15,000 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 scheduled for August 26, 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 continued to September 23, 2014 with the consent of the petitioners. Sitting on this petition were Chairman Stephen Karll, Michael Calder and Richard McDonough.

Evidence

The petition was presented by Allen Joyce an architect with EcoModern Architecture LLC One Design Center Place Suite 543, Boston, MA 02210. He presented a rendering depicting the existing structure with the attached

garage. The existing lot is in Residence B within the Watershed Protection District Overlay. The lot has the required frontage and size for Residence B and pre-exists the Watershed Protection Overlay District. The existing and proposed structures are well within the open space requirements. The north side yard setback for the proposed 18 foot x 24 foot garage would be five (5) feet from the property line (10 feet are required). The existing home originally had a garage that was converted to living space in 1995. There is a slight five (5) foot slope in the southern side of the lot and a retaining wall to alleviate drainage, making the north side the only location for a garage. The area also has a high water table.

The Planning Board voted to unanimously (4-0-0) postpone action on the petition and requested an architectural rendering depicting a smaller garage (the original plans called for a 21 foot x 24 foot garage). This information was provided at the hearing by Mr. Joyce.

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

Findings

The Board agreed with the Petitioner's assertions that that the proposed alterations of the conforming structure on the pre-existing non-conforming lot shall not be substantially more detrimental to the neighborhood and that slope and soil conditions on the lot provide a basis for the granting of the requested relief.

Decision

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

NEW BUSINESS:

- 2) **Petition Number: 14-28**
Petitioner: William and Kathleen Connolly
RE: 32 Judson Road

Present: Attorney Frank Marinelli representing the petitioner

This is a petition filed by William and Kathleen Connolly, the property owners of 32 Judson Street, Braintree Massachusetts in which the applicant is seeking relief from the Town of Braintree Zoning Bylaws 135 Sections 403, 407 and 701 to alter and extend a non-conforming pre-existing single family residence. The lot and structures (house and garage) do not meet the dimensional and density standards set forth in Section 135-701. The applicant seeks a permit, variance and/or finding that the proposed structure is not more detrimental to the neighborhood. The property is located within a Residence B District as shown on Assessors' Map 2036, Plot 036, which contains a land area of approximately 5509 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 scheduled for September 23, 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. He stated the existing lot and dwelling are non-conforming. The Applicant seeks to remove a 112.5 square foot porch on the east side of the home and replace it with a one-story 324 square foot addition that will mimic the design of the porch. The addition will not result in any new non-conforming setbacks and maintains the present 24.2 foot rear yard setback.

The Planning Board voted to unanimously recommend the requested relief, finding that the alterations will not result in a dwelling substantially more detrimental to the neighborhood than the present one.

Joseph Potts of 38 Judson Street and Kay Finley of 28 Judson Street both appeared to speak in favor of the proposal.

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

Findings

The Board agreed with the Petitioner's assertions that that the proposed alterations of the pre-existing non-conforming structure shall not be substantially more detrimental to the neighborhood.

Decision

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

- 3) **Petition Number: 14-29**
Petitioner: J. Marshall McGregor and Daryl Camerson Every
RE: 127 Eleanor Drive

Present: J. Marshall McGregor and Daryl Camerson Every, petitioners
Attorney Carl Johnson representing the petitioners

This is a petition filed by J. Marshall McGregor and Daryl Cameron Every, Braintree, MA. The petitioners are the owners and seek relief from the Zoning By-law requirements under Chapter 135, Sections 402 and 403, to demolish the existing dwelling and to construct a new conforming dwelling on an undersized Residence A Watershed 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 scheduled for September 23, 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 and Attorney Carl R. Johnson III. The property is currently within a Residential A Watershed District zone as recorded on Assessors' Plan 2052 Plot 22 and contains a land area of approximately 21,679 square feet. The property has ledge as part of its soil conditions. The lot is less

than the one acre minimum for the Residence A Zoning district. The proposed setbacks far exceed the minimum requirements and the twenty (20%) maximum lot coverage will not be exceeded. The project may be phased in

The petitioner provided a plot plan detailing the proposed new home, as well as a memorandum of law in support of the requested relief. 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. Calder and seconded by Mr. Ford, 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. McDonough, the Board voted unanimously to accept the meeting minutes of August 26, 2014.

The Board adjourned the meeting at 7:48pm.