



Department of Municipal Licenses and Inspections

Zoning Board of Appeals

1 JFK Memorial Drive – Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

Meeting Minutes

February 3, 2015

(Note: Rescheduled from January 27, 2015 ZBA Meeting-cancelled due to weather)

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

ALSO PRESENT: Marybeth McGrath, Director
Peter Morin, Town Solicitor

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

OLD BUSINESS:

- 1) Petition Number: 14-33**
Petitioner: Bonnie Tan
RE: 639 Washington Street

Present: Bonnie Tan, petitioner

Mr. Karll advised the Board that the petitioner has submitted a written request for a sixty (60) day extension of the petition to be heard at the Zoning Board of Appeals meeting on March 24, 2015.

On a motion made by Mr. Ford and seconded by Mr. McDonough, the Board voted 3-0 to grant the petitioners request for a sixty day extension of the petition.

- 2) Petition Number: 14-34**
Petitioner: Work N' Gear, Inc.
RE: 355 Quincy Avenue

Present: Robert Cuoco, representing Work N' Gear

This is a petition filed by Work N' Gear Inc. of 2300 Crown Colony Drive, Quincy, MA. The petitioner seeks relief from the Zoning By-law requirements under Chapter 135, Section 904.2 to install four additional wall signs with a cumulative area of 260 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 scheduled for January 27, 2015 before the Zoning Board of Appeals at 7 p.m. at Braintree Town Hall. Due to a weather emergency, the hearing was rescheduled to February 3, 2015 at 7 p.m. at Braintree Town Hall One J.F.K. Memorial Drive, Braintree, MA. All abutters and abutters to the abutters were notified of the rescheduled hearing. Sitting on this petition was Chairman, Steve Karll, and members Michael Ford and Richard McDonough.

Evidence

The petition was presented by Robert Cuocco of Work N' Gear. The property is currently within a Highway Business zone as recorded on Assessors' Plan 3045 Plot 1. The present building operates as a retail store.

The petitioner seeks to install four additional wall signs. Each proposed sign is ten (10) feet wide by six (6) feet six (6) inches in height for area coverage of 65 square feet and a cumulative coverage of 260 square feet. The proposed area of each sign is within the 150 square foot limit of the bylaw. The signs exceed the height limit of four (4) feet by two (2) feet six (6) inches. The proposed signs also violate the zoning bylaw by containing advertising material and being visible from a major highway when a ground sign is permitted. The existing sign also violates the zoning bylaw's formula restricting square footage to equal or less than the linear footage of the portion of the building facing the roadway.

By a vote of 3-0-0, the Planning Board recommended favorable action on the petition. They cited the location was unique in being surrounded by uses which make it less visible. The proposed signs would be placed in existing windows, which presently leak. The condition of the building and its appearance would thereby be enhanced.

There was no opposition to the petition.

Findings

The Board found that the petitioner had demonstrated the need for relief from the Zoning By-law. The Board concluded that the proposed signs are not substantially more detrimental to the neighborhood than the existing condition of the 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 location provided a basis for the requested relief.

Decision

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

NEW BUSINESS:

- 3) **Petition Number 15-1**
Petitioner: Mark Miner, Black and Gold Hospitality
RE: 911 Washington Street

Present: Mark Miner, petitioner and James Gallagher, Attorney representing petitioner

This is a petition filed by Mark Minerd of 69 Gulliver Street Milton, MA regarding property he is leasing at 911 Washington Street Braintree, MA. He is seeking relief from Bylaw requirements under Chapter 135 Sections 806 and 814 that will allow him to replace an existing retail use which requires one parking space for every 200 square feet of retail area with a fast food sandwich shop that requires one parking spot for every 100 square feet. A variance of 8.5 parking spaces and a loading space is required. The property is located within a General Business/Village Overlay District as shown on Assessors Map 1011 Plot 39.

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 on January 27, 2015 before the Zoning Board of Appeals. Due to a weather emergency, the hearing was rescheduled to February 3, 2015 at 7 p.m. at Braintree Town Hall, One J.F.K. Memorial Drive, Braintree, MA. All abutters and abutters to the abutters were notified of the rescheduled hearing. Sitting on this petition was Chairman, Steve Karll, and members Michael Ford and Richard McDonough.

Evidence

The petitioner was represented by Attorney James Gallagher One Boston Place, 37th Floor, Boston, MA, who explained that the applicant seeks to open a sandwich shop. The location is landlocked and has no parking. There is a public parking lot that abuts the rear of the premises. The proposed use will replace an existing retail use and petitioner states it will not harm any existing adjoining properties. The location has been in operation as a retail use prior to adoption of the section of the zoning bylaw from which the petitioner seeks relief. The petitioner seeks to utilize alley space for tandem parking for employee parking and delivery. The petitioner also intends to obtain off-site parking for employees through rental of spaces in adjacent private lots.

By a vote of 3-1-0, the Planning Board recommended favorable action on the requested parking variance based on the utilization of the alley and the pursuit of additional off-site parking that does not satisfy the bylaw, but does address the parking need.

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 the unique shape of the lot, and that the parking variance 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. Ford and seconded by Mr. McDonough, it was unanimously voted 3-0 to provide the requested relief.

- 4) Petition Number 15-2**
Petitioner: Herb Chambers of Braintree, Inc.
RE: 75 Granite Street

Present: Frank Marinelli, Attorney representing the petitioner and Peter O'Callaghan, Director of Construction and Facilities with Herb Chambers.

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 replace an existing ground sign (“Ford Pre-Owned Vehicles”) for a “Lincoln” sign. 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 scheduled for January 27, 2015, before the Zoning Board of Appeals at 7 p.m. at Braintree Town Hall, One J.F.K. Memorial Drive, Braintree, MA. Due to a weather emergency the meeting was re-scheduled to February 3, 2015 at 7 p.m. at One JFK Memorial Drive Braintree, MA. All abutters and abutters to the abutters were notified of the rescheduled hearing. Sitting on this petition were Chairman Stephen Karll, Michael Ford 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 a temporary relocation of the Chambers Lincoln dealership to the site. The new sign will be only 10 inches wider and 15 inches higher than the existing sign. The Planning Board took no action on the proposal.

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. Ford and seconded by Mr. McDonough, it was unanimously voted 3-0 to grant the requested relief. Additionally, as part of this vote, the Board approved the petitioners request to allow the replacement of the currently existing “Ford Pre-Owned” sign, when Herb Chambers Lincoln moves to the new Norwood location.

APPROVAL OF MINUTES:

On a motion made by Mr. Ford and seconded by Mr. McDonough, the Board voted 3-0 to accept the meeting minutes of December 16, 2014.

The Board adjourned the meeting at 7.50 pm.