



Joseph. C. Sullivan  
Mayor

## Department of Planning & Community Development Zoning Board of Appeals

1 JFK Memorial Drive  
Braintree, MA  
www.braintreema.gov

### Zoning Board of Appeals (ZBA) Meeting Minutes February 25, 2019

**IN ATTENDANCE:** Stephen Karll, Chair  
Michael Ford, Member  
Richard McDonough, Member  
Stephen Sciascia, Associate  
Gary Walker, Associate

**ALSO PRESENT:** Jeremy Rosenberger, Zoning Administrator

Pursuant to notice duly published in a newspaper in general circulation and posted at Town Hall, and by written notice pursuant to G.L. Chapter 40A, Section 11, mailed to all parties in interest, a public hearing was held by the Zoning Board of Appeals at Town Hall, One JFK Memorial Drive, Braintree, MA on February 25, 2019 at 7 p.m. Chairman Stephen Karll called the meeting to order at 7:00pm.

#### **OLD BUSINESS:**

- 1) Petition Number: 18-17  
Petitioner: Brian & Laura McGourty  
RE: 460R Pond Street**

The petitioner requested a continuance to March 25, 2019.

On a motion made and seconded, the Board voted 5-0 to continue the public hearing to March 25, 2019.

- 2) Petition Number: 18-38  
Petitioner: Offices at 285 Washington Street Braintree LLC  
RE: 285-287 Washington Street**

The petitioner requested a continuance to March 25, 2019.

On a motion made and seconded, the Board voted 5-0 to continue the public hearing to

March 25, 2019.

**NEW BUSINESS:**

- 1) Petition Number: 19-01  
Petitioner: Christopher Kelly  
RE: 5 Meadowbrook Road**

The Chairman read into record the legal advertisement: Liberty Realty Development, Inc. (Robert Gabriel), 20 Christina Drive, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to demolish existing one (1) story, single family dwelling (+/- 1,296 sq. ft. building footprint) and construct a new, two (2) story single family dwelling (+/- 1,438 sq. ft. building footprint); property is pre-existing nonconforming with regard to lot area and width. The applicant seeks a permit, variance and/or finding that the proposed project is not more detrimental to the neighborhood. The property is located at 5 Meadowbrook Road, Braintree, MA 02184 and is within a Residence B Zoning District, as shown on Assessors Map 1006, Plot 67, and contains a land area of +/- 9,162 sq. ft.

Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Ford and Richard McDonough; and Gary Walker, Alternate.

The petitioner's son, Shawn Gabriel of Liberty Realty Development, Inc., discussed they are seeking to raze an existing single story, single family dwelling. The dwelling was built in 1949. Mr. Gabriel stated the existing dwelling has a unique layout, such as a kitchen in a laundry room. In addition, the existing dwelling is much smaller than dwellings in the immediate neighborhood. Mr. Gabriel explained the new dwelling would be two-stories in height with an attached single car garage and a 12 ft. x 12 ft. rear deck. The proposed new dwelling would be similar in size as compared to the immediate neighborhood and provide off-street parking for two-vehicles.

Mr. Ford stated the existing dwelling is indeed the smallest house in the neighborhood. In addition, the proposed new dwelling is well-designed. Chairman Karll agreed.

The petitioner's existing lot is nonconforming, as it provides 9,162 sq. ft., where 15,000 sq. ft. is required and provides 70 ft. of lot width where 100 ft. is required. The reconstruction will comply with the setback, height and coverage requirements, but intensify the nonconforming lot area and width, due to the larger dwelling. Accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

The petitioner presented a plot plan entitled "Plot Plan Showing Proposed Dwelling at 5 Meadowbrook Road a.k.a. 14 Meadowbrook Road in Braintree, Mass.", dated January 14, 2019 and prepared by Neponset Valley Survey Assoc., Inc. of Quincy, MA. The petitioner also presented floor plans and elevations entitled, "Foundation Plan and Floor Plans, New House Construction, 5 Meadowbrook Road, Braintree, MA", Sheet No. A-1, dated January 14, 2019 and "Elevation, New House Construction, 5 Meadowbrook Road, Braintree, MA", Sheet No. A-2, dated January 20, 2019, prepared by Walter A. McKinnon Associates, Inc. of Weymouth, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval with conditions: 1.) Any changes to the approved plans will require ZBA approval; 2.) Submission of a certified foundation to the Planning & Community Development Department prior to vertical construction; and 3.) Submission of as-built plan to the Planning & Community

Development Department prior to issuance of a Certificate of Occupancy. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

The Board found that the existing lot is pre-existing nonconforming in terms of lot area and width. The Board found that the proposed new dwelling would not create any new zoning nonconformity, but in fact conform to the setbacks, height and coverages. The Board also found that the proposed new dwelling would meet the off-street parking requirements, as the existing dwelling does not meet the off-street parking requirements. In addition, the Board found that the proposed new dwelling will be appropriately designed and similar in size as compared to the immediate neighborhood. Furthermore, the Board found there was no opposition to the proposed project. Lastly, the Board found the proposed project will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested finding, pursuant to Bylaw Section 135-403, in accordance with the plans submitted and the following conditions:

- 1.) Any changes to the approved plans will require ZBA approval;
- 2.) Submission of a certified foundation plan to the Planning & Community Development Department prior to vertical construction; and
- 3.) Submission of an as-built plan to the Planning & Community Development Department prior to issuance of a Certificate of Occupancy.

**2) Petition Number: 19-02  
Petitioner: Richard Goodrick c/o indus  
RE: 825 Granite Street**

The Chairman read into record the legal advertisement: Richard Goodick c/o indus (formerly Sealcoating, Inc.), 825 Granite Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-407, 903, 904.3 to install 96" x 63.75" illuminated wall signage that would exceed the total allowable sign height. The applicant seeks variances and/or findings that the proposed project will not be more detrimental to the neighborhood. The property is located 825 Granite Street, Braintree, MA 02184 and is within Watershed Residence B/Watershed Commercial Zoning Districts, as shown on Assessors Map 1032, Plot 3B, and contains a land area of +/- 9.14 acres.

Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Ford and Gary Walker; and Stephen Sciascia, Alternate.

On the behalf of the petitioner Richard Goodick, who was unable to attend, Elizabeth Wuori, part owner of indus, discussed they are seeking to provide new signage as part of the rebranding of Sealcoating, Inc. Ms. Wuori stated the company has recently changed the name of Sealcoating, which has been at 825 Granite Street since 2012, to indus. As such, the existing wall sign would be replaced with an illuminated 42.4 sq. ft. wall sign. The dimensions of the proposed wall sign are 8 ft. x 5.3 ft. While Ms. Wuori expressed the proposed sign exceeds the maximum height allowance of 4 ft., the new proposed sign is much smaller in overall size and is actually made up of multiple rows of letters.

The Zoning Administrator discussed the property is a split lot, namely the front 100 ft. portion of the lot facing Granite Street is zoned Watershed Residential B and the rear portion, which includes the building, is zoned Watershed Commercial. He added the Zoning Bylaw is

silent with regard to the applicability of split lots and signage, therefore the proposal has been advertised as applicable to both Zoning Districts (Residential & Commercial) signage regulations. Chairman Karll noted that based on the maps provided by the Zoning Administrator, the building appears to be within the Commercial Zoning District. However, he was fine with providing the necessary relief from both zoning districts. Mr. Ford concurred.

Kerri and Brian Fromm, of 6 Emerald Avenue, discussed their property directly faces 825 Granite Street and were concerned with potential excessive illumination caused by the new wall sign. After discussion with the Board and the petitioner, Ms. Wuori agreed to a condition that the wall sign not be illuminated between the hours of 8pm and 6am.

The petitioners seek the following signage variances:

- **Variance from 135-903 (A)(3):** The Braintree Zoning Bylaw states “Two signs for a permitted hotel use or permitted nonresidential use, neither of which may exceed 20 square feet in area.” The proposed wall sign is 42.4 sq. ft. in size and therefore exceeds the nonresidential use signage regulations in a Watershed B Zoning District.
- **Variance from Section 135-904.2 (A)(5)(b):** The Braintree Zoning Bylaw states “No wall sign shall exceed four feet in overall height.” The proposed wall sign is 8 ft. in height and therefore exceeds the maximum height allowance of 4 ft. in a Watershed Commercial Zoning District. The total height encompasses three rows of lettering. When removing the space between rows, the total height of the lettering is approximately 6 ft.

As grounds for the variances, the petitioner noted the subject building is large and the proposed sign is extremely modest as far as total sign area. The petitioner adds, if the proposed sign were scaled to meet the 4 ft. height maximum requirement, the viewing ability would be greatly compromised and a potential distraction to drivers trying to locate the building. In addition, the petitioner stated the building is set back a significant distance from the roadway, and therefore visibility and scale is important. Furthermore, the petitioner stated that communicating the new company identity is critical toward ensuring success of the company. Lastly, the property is mostly blocked by an existing tree line from the roadway, and therefore very few residential homes will be impacted by the proposed sign.

The petitioner presented signage plans and photos titled “Sign Type: CHANNEL LETTERS”, “CHANNEL LETTERS – SECTION DETAILS”, “Old Sign to be removed”, dated January 7, 2019, and prepared by I.D. Sign Group, Inc.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval with conditions: 1.) No sign illumination from 1am-6am, pursuant to Section 135-905. Kerri and Brian Fromm, of 6 Emerald Avenue, discussed their concern with regard to the potential excessive illumination of the wall sign. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

The Board found that the property is a split lot, namely the property is bisected by a Watershed Residential B District in the front portion of the lot and a Watershed Commercial Zoning District on the rest of the property. The Board found that based on imagery and maps presented, the existing building was within the Watershed Commercial Zoning District. However, the Board found that, due to lack of procedures/applicability regarding split lots and signage regulations, the proposed wall sign would be subject to both underlying Zoning

Districts. As such, the Board found that the proposed front wall sign, when analyzed in relationship to the building and existing signage, is appropriate in design, size and scale. Also, the Board found the location of the building is located a far distance from Granite Street and the proposed new wall sign would be smaller in total sign area than the existing sign. In addition, the Board found that the petitioner had demonstrated the need for relief from the Zoning By-law as the proposed wall sign is necessary to identify the brand and location of the business and for the traveling public to be safely directed to the businesses. As a result, the Board found relief can be granted without resulting in a substantial detriment to the public good and will not nullify the intent of the Zoning By-law.

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested variances from Bylaw Section 135-904.2, pursuant to Bylaw Section 135-407, in accordance with the plans submitted and the following condition:

- 1.) No sign illumination from 8pm to 6am.

#### **OTHER BUSINESS:**

- 1) **Petition Number: 18-10**  
**Petitioner: BSC Partners & Town of Braintree**  
**RE: 128 & 0 Town Street**

The petitioner requested a six month extension to exercise the variances granted by the Board on March 26, 2018. The extension would be until September 26, 2019.

On a motion made and seconded, the Board voted 5-0 to grant the requested six month extension to exercise the variances granted by the Board.

#### **APPROVAL OF MINUTES:**

On a motion made and seconded, the Board voted 5-0 to accept the January 28, 2019 meeting minutes.

The Board adjourned the meeting at 7:30 pm.