



Mayor
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Department of Planning and Community Development

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ZONING BOARD of APPEALS

Steven Karll, Chair
Michael Ford, Member
Richard McDonough, Member
Gary Walker, Alternate
Tim Burke, Alternate

April 24, 2023
Zoning Board of Appeals Minutes
Johnson Chambers – Town Hall
1 JFK Memorial Drive

APPROVED

Present: Stephen Karll, Chairman
Michael Ford, Member
Richard McDonough, Member
Gary Walker, Alternate
Timothy Burke, Alternate
Connor R Murphy, Assistant Director
Melissa SantucciRozzi, Director

Meeting Commences at 7:00 P.M.

Chairman Karll calls the meeting to order. Chairman Karll states to the public in attendance that items would be brought up in the order they appear on the agenda unless there was a conflict. Chairman Karll introduces Director SantucciRozzi and Assistant Director Murphy to the members of the Zoning Board of Appeals and the public. Chairman Karll introduces all members of the Zoning Board of Appeals.

NEW BUSINESS

Petition #23-10
18 Lawnview Drive

Chairman Karll reads the Legal Notice into record:

“Paulette O’Connell, Applicant, for relief from Zoning Bylaw Requirements: Chapters 135-403, 135-407, and 135-701 to construct a 25 Ft. by 32.5 Ft. 2-story addition to a conforming single family dwelling on a non-conforming lot (lot width and area). The Applicant seeks a variance for a side yard setback of 3.5 Ft. where 10 Ft. is required. The property is located at 18 Lawnview Dr., is zoned Residence B, on Assessors’ Map 2084 Lot 21 with a lot area of 8,487 Sq. Ft.”

Chairman Karll stated he was satisfied that abutters had been properly notified. Chairman Karll assigned Members Michael Ford and Richard McDonough to sit on this petition alongside himself, with Member Timothy Burke being the Alternate Member.

Chairman Karll reads into record the Staff Recommendation. Chairman Karll invited the Applicant to present.

Paulette O'Connell, Applicant who is also the Architect of Hingham appears for the Property Owner Kate O'Connell, who is also present. Architect O'Connell explains the existing cape is about 1,000 Sq. Ft. and needs to be expanded for the family of five. They would like to increase the number of bedrooms from 3 to 4. Kate, property owner, works from home and needs an office area as well. The garage size was reviewed and noted that it was only about 22 Ft. wide in the area where cars can park and that a small area for barrels and storage of bikes was also included. The 3 Ft. in extra width also opens up the third floor. Architect O'Connell reviewed the topography of the lot and that to move the addition in the rear would take a fair portion of the level rear yard leaving little area for the 3 children to play, as the yard drops off fairly steep. The topography in most of the neighborhood isn't this steep and that this steep slope was unique to a few properties. Kate, the property owner presented letters of support from the direct abutters on either side of her and those across the street. It is noted by the Applicant that there are several other homes on the street with similar style additions.

Chairman Karll, notes that the proposed setback will be 3.5 Ft., and asks if they will be putting up a fence and if there is anyway to reduce the encroachment. The Board discussed reducing the width of the addition by 3 Ft. to lessen the encroachment into the side yard setback. Member Ford noted that even if the width is reduced there will still be the need to grant a variance. The removal of the 3Ft is a quality-of-life issue. Member McDonough agrees with the other Board members and doesn't see the harm in granting the relief. It was noted that the topography in the rear yard slopes of steeply.

Chairman Karll asked for public comment. No one from the public spoke in favor or in opposition to the Petition.

Chairman Karll closed the public portion of the meeting and Member Ford notes the conditions in the neighborhood and that what is proposed is support by a hardship based on topography.

Member Michael Ford motioned to close the Public Hearing, Seconded by Member Richard McDonough.

Chairman Karll states they shall entertain a motion on this petition. Member Michael Ford motioned to approve the requested Variance, citing the lots topography towards the rear, plans as submitted and subject to the conditions as proposed by Staff. Motion Seconded by Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye. R. McDonough – Aye.

Chairman Karll called on the Applicant for Petition #23-11, 357 & 365 Grove Street.

APPROVED

Petition #23-11
357 & 365 Grove Street

Assistant Director for the Department of Planning and Community Development stated the Applicant is seeking to withdraw the Application without Prejudice. The Assistant Director further added that the Legal Notice would need to be read with a motion to accept the withdrawal.

Chairman Karll reads the Legal Notice into Record:

“Bass Realty, LLC and Liberty Grove, LLC, Applicant, for Appeal of Building Inspector’s February 28, 2023, Decision for a Commercial Permit, pursuant to M.G.L. ch. 40A, §§8 & 15, and Bylaw §135-202. The Building Inspector denied the issuance of a Building Permit, due to the ongoing Appeal of the July 11, 2022, Site Plan Review Decision. The property is located at 357 & 365 Grove St., is zoned General Business, on a portion of Assessors’ Map 1109 Lots 6 and 6B with a lot area of 67,850 Sq. Ft.”

Member Michael Ford motioned to accept the Withdrawal without Prejudice. Motion Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll calls on the Applicant for Petition #22-24, 18 Thayer Place.

Petition #22-24
18 Thayer Place

Chairman Karll read the legal notice into record:

“Jeffrey and Mary DaSilva, Applicant, for relief from Zoning Bylaw Requirements: Chapters 135-403, 135-407, and 135-701 for a pre-existing non-conforming single family dwelling on a non-conforming lot. The Applicant seeks to amend ZBA Decision #22-24 of a Finding to alter the rear roof ridgeline 5 ft. above the previously-approved roof ridgeline. The Applicant seeks a Variance as the proposed height of the single family dwelling is 37.4 ft. and the maximum height allowed is 35 ft. The property is located at 18 Thayer Pl., is zoned Residence C, on Assessors’ Map 1009 Lot 29 with a lot area of 5,785 Sq. Ft.”

Chairman Karll stated abutters were properly notified. Chairman Karll stated Members Ford and Member Walker would be sitting on this petition with Member McDonough as the Alternate. Chairman Karll stated the Staff Recommendation was Approval with conditions.

Jeffrey and Mary DaSilva, Applicant, were present before the Zoning Board of Appeals to Amend the prior relief granted under ZBA Decision #22-24 to increase the height of the Non-Conforming Single Family Dwelling.

APPROVED

Mr. Jeffrey DaSilva presented plans to the Zoning Board of Appeals to increase the height of the third story by 5 Feet. The proposed increase in height would be within the Eastern Non-Conforming Side Yard Setback of 16.5 LF, The Western Non-Conforming Side Yard Setback of 4.4 LF and the Non-Conforming Rear Yard Setback of 23.5 LF. The proposed addition would further intensify the Non-Conforming Setbacks.

Mr. DaSilva stated to the Zoning Board of Appeals that the height of the Non-Conforming Single Family Dwelling would be increased to 37.4 Feet resulting in the need of a Variance as 35 Feet is the maximum height allowed. The proposed increase in height would allow for an increase in habitable space of the third story. Additionally, the original design of the roof would cause water and icing issues.

Mr. DaSilva stated there were multiple signatures of support submitted with the Application: Alba and Michael Caplan of 12 Thayer Place Unit #1; Carolyn Thayer of 24 Thayer Place; Emily Ego of 15 Frederick Road; John and Gloria Murray of 19 Frederick Road.

Member Michael Ford questions the Applicant as to why they did not propose to maintain a single A frame design from the top of the structure all the way down. Mr. DaSilva stated that was a possibility but were fine with the design as proposed to keep the knee wall on the second floor.

Member Gary Walker seeks clarification from staff regarding the relief needed. Assistant Director for the Department of Planning and Community Development stated that to raise the roofline by 5 Feet would require an Amendment to Decision #22-24 which was a Finding to construct the addition within the Non-Conforming Side Yard Setbacks and Non-Conforming Rear Yard Setbacks. Additionally, the Applicants proposed height is 37.4 Feet thus requiring a variance as it is over the allowed 35 Feet in height.

Chairman Karll opened to members of the audience for testimony regarding the relief requested. No one spoke in favor or in opposition of the requested relief.

Chairman Karll stated they shall close the Public Hearing. Member Michael Ford motioned to close the Public Hearing, seconded by Member Gary Walker.

Chairman Karll confirms with the Applicant that they have reviewed the conditions as proposed by staff.

Chairman Karll states they shall entertain a motion on this Application. Member Michael Ford motioned to approve the requested Amendment and Variance as the proposed addition was not more detrimental than the existing Non-Conformities, citing the topography of the lot as grounds for the requested Variance, subject to the plans presented and conditions as prepared by staff. Motion Seconded by Member Gary Walker.

Chairman Karll called on the Applicant for Petition #23-12, 11 Cavanaugh Road.

APPROVED

Petition #23-12
11 Cavanaugh Road

Chairman Karll read the legal notice into record:

“Connie To, Applicant, for relief from Zoning Bylaw Requirements: Chapters 135-403, 135-407, and 135-701 to a pre-existing non-conforming single family dwelling (side setback) on a non-conforming lot (lot area and lot width). The Applicant seeks a finding to construct a rear kitchen addition and full second floor (proposed 2,736 sq. ft. total living area) that would further encroach to 8.9 ft. right side setback (where 9.2 ft. pre-existing non-conforming and 10 required). Applicant seeks Variance for Proposed height. The property is located at 11 Cavanaugh Rd., is zoned Residence B, on Assessors’ Map 2062 Lots 13B and 15 with a lot area of 12,798 Sq. Ft.”

Chairman Karll stated he was satisfied that abutters had been properly notified. Chairman Karll assigned himself along with Member Ford and Member McDonough to sit on this Application. Chairman Karll stated the Staff Recommendation was Approval with Conditions.

Tom Rovero, Architect from Hingham appears for the Applicant Connie To, who is also present with her husband. Mr. Rovero explains that the southerly side lot line is slightly angled causing further encroachment into the setback at the rear corner of the dwelling. The proposed rear addition will be located 8.9 ft. from the southerly side lot line and will require removing the deck, landing and stairs that are currently 5.1 ft. from the same southerly side lot line, hence removing a further encroaching non-conformity. The second floor is designed as a garrison with 4 extra feet in depth to allow for the overhang, that depth plus the conforming addition of the north side will increase the bedroom count from 3 to 4 with large closets. The height calculations have been provided and reviewed and the dwelling will be 30.2 ft in height and will comply with 135-701, therefore no variance for height is required for this proposal.

The Board discusses the proposal very briefly and the members do not have any concerns with the requested finding for the side yard setback. No one from the Public spoke in favor or in opposition to the Petition.

Chairman Karll stated they shall entertain a motion to close the Public Hearing. Motion made by Member Ford, Seconded by Member McDonough.

Chairman Karll stated they shall entertain a motion on this Application. Member Ford motioned to approve the requested finding, stating the proposed alteration was not substantially more detrimental than the existing Non-Conformity, subject to the plans submitted and conditions as proposed by staff. Motioned Seconded by Member McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll called on the Applicant for Petition #23-13, 80 Sycamore Road.

APPROVED

Petition #23-13
80 Sycamore Road

Chairman Karll read the legal notice into record:

"MKE Development Corp., Applicant, for relief from Zoning Bylaw Requirements: Chapters 135-403, 135-407, and 135-701 to build a single-family dwelling on an undersized lot, deficient in width. The Applicant seeks a Variance for lot width of 100 Ft. where 125 Ft. is required and for lot area of 21,285 Sq. Ft. where 25,000 Sq. Ft. is required to construct a 2-story single family dwelling (3,222 Sq. Ft. living area) with attached 2-car garage attached to the right side of the dwelling. The property is located at 80 Sycamore Rd., is zoned Residence A, on Assessors' Map 1109 Lot 24 with a lot area of 21,285 Sq. Ft."

Chairman stated he was satisfied abutters had been properly notified. Chairman Karll assigned Members Ford and Walker. Chairman Karll stated the Staff Recommendation was Approval with Conditions.

Petitioners, Kathy and Michael Egasti of MKE Development Corporation of Braintree, Owners of 80 Sycamore Street were present for the Petition before the Zoning Board of Appeals. 80 Sycamore Street a Residence A lot that previously contained a single-family dwelling that has been mostly demolished. Due to the level of demolition the Building Inspector advised the owner to obtain relief from the Zoning Board of Appeals. The Applicant seeks a Variance for lot width of 100 ft., where 125 ft. is required, and for lot area of 21,285 sq. ft., where 25,000 sq. ft. is required to allow the single family dwelling to be built. The proposal includes construction of a two (2) story single-family dwelling (38 ft. 11³/₄ in. x 61 ft. 7 in. first floor; 36 ft. 1/2 in. x 61 ft. 7¹/₂ in. second floor; ±3,222 sq. ft. living area) with an attached front-facing 2-car garage. The dwelling will meet and exceed all required density and dimensional requirements in 135-701, except for the existing lot area and width.

Zoning Board of Appeals Members discussed the shape and rolling topography and noted that the existing non-conforming side yard setback will be removed with the construction of the new dwelling. It was discussed that most single-family reconstructions only require a finding but too much demolition occurred in this case.

No one from the Public spoke in favor or in opposition to the Petition.

Chairman Karll stated they shall entertain a motion to close the Public Hearing. Motion made by Member Ford, Seconded by Member Walker.

Chairman Karll stated they shall entertain a motion on this Application. Member Ford motioned to approve the requested Variance, citing the irregular shaped lot and the sloping topography, plans as submitted and conditions as proposed by staff. Motion seconded by Member Walker. All those in Favor: S. Karll – Aye, M. Ford – Aye, G. Walker – Aye.

APPROVED

ADMINISTRATIVE ITEMS

Member Ford motioned to approve the meeting minutes of February 27th, 2023. The Motion was Seconded by Member McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

The Assistant Director for the Department of Planning and Community Development provides updates for the Board regarding the Town's Master Plan. The Assistant Director states the Master Plan Technical Working Sessions will be held on April 10th, 2023, and April 13th, 2023. The Monday, April 10th, 2023, Session will discuss economic growth, public facilities, natural resources, conservation, and sustainability. The Thursday, April 13th, 2023, Session will cover topics, such as: traffic, transportation, and housing.

The next meeting for the Master Plan Steering Committee is on Thursday, May 18, 2023, at Thayer Public Library at 7:00 P.M. Assistant Director Murphy states the Master Plan Steering Committee will likely make a presentation at the May 22nd, 2023, Zoning Board of Appeals Meeting. Assistant Director stated Phase IV of the Master Plan would begin in the Summer 2023.

Member Ford made a Motion to close the meeting, Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Meeting Adjourned at 8:10 P.M.

APPROVED