



Mayor
Charles C. Kokoros

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

June 26, 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

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 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.

OLD BUSINESS

Petition #23-09
126 Jefferson Street

Chairman Karll calls on the Applicant.

Chairman Karll states the Staff Recommendation is Approval with several conditions. Assistant Director states there are a few minor changes to the plan that can be reflected in the conditions.

Chairman Karll calls on members of the public for any further testimony.

Mr. Robert Kane of 114 Jefferson Street states there are a lot of improvements to the plans highlighting the drainage plan. Mr. Kane stated he would like to see a cape cod berm added to

the driveway to prevent stormwater from coming onto his property. Chairman Karll confirms that the cape cod berm can be added as a condition of approval.

Mrs. Audrey Rynne of 32 Shepard Road questions where the stormwater will be going from the proposed chambers. The Assistant Director states the water will be infiltrated into the ground. Mr. Rynne states to the 'Board of water situation that is occurring at his property, having to run sump pumps in the basement to alleviate the situation and offers concerns that this could increase the situation on his property.

Member Michael Ford states the improvements the applicant is making should mitigate the situation. Chairman Stephen Karll states the drawings in front of us as prepared reflect what the 'Board and Public has asked of Mr. Chan over the past 4 months, further adding that the stormwater system will improve the situation.

Member Richard McDonough agrees with Chairman Karll's comments stating the work the Applicant has done so far adheres to the concerns raised.

Member Gary Walker States he can understand the concerns raised by abutters and that the new system should mitigate the build out. Member further adds that the Applicant could install a catch basin towards the rear to collect the driveway runoff.

Chi Man of Hardy and Man Design Group, Civil Engineer for the Applicant, states a trench drain along the middle of the driveway could be installed to collect more runoff from the driveway. The Assistant Director states a trench drain, with an expanded infiltration system, would need to be conditional with the Applicant submitting revised plans.

Chairman Karll states they shall close the Public Hearing. Member Michael Ford motions to close the Public Hearing, Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll states they shall entertain a motion on this Application. Member Michael Ford motions to approve the requested relief, subject to the conditions as proposed by staff and amended during the Public Hearing, based on revised plans as discussed during the Public Hearing, and based on the hardships of the site citing the sloping topography and shape of the lot. Motion seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll urges the Applicant to work with staff and calls on the Applicant for 11 Brewster Avenue.

NEW BUSINESS

Petition #23-15

11 Brewster Avenue

APPROVED

The Assistant Director states the Applicant has requested to withdraw the petition without prejudice.

Chairman Karll reads the Legal Notice into record:

“Carl R. Johnson III and Margaret M. Johnson, Applicants, pursuant to MGL Chapter 40A, Sections 8 & 15, and Braintree Zoning Ordinance Chapters 135-102, 135-202 and 135-603 filed an Appeal of the Building Inspector’s March 20, 2023 response to a February 24, 2023 request for Enforcement of Zoning Violations. The property is located at 11 Brewster Avenue and is zoned Residence B Watershed, shown on Assessors’ Map 1078 Lot 2 with a total lot area of 8,494 Sq. Ft.”

Chairman Karll states they shall entertain a motion on the Applicants request to withdraw. Member Michael Ford motions to allow the Applicant to Withdraw the Petition without prejudice. Motion seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll called on the Applicant for Petition #23-18, 22 Francine Road.

**Petition #23-18
22 Francine Road**

Chairman Karll states he does not see the Applicant in attendance. The Assistant Director states he will call the Applicant to confirm their attendance.

Chairman Karll states we will move on to Petition #23-19, 120 Granite Street.

**Petition #23-19
120 Granite Street**

APPROVED

Chairman Karll reads the Legal Notice into Record:

“Native Sun Braintree LLC, Applicant, for relief from Braintree Zoning Ordinance Bylaw Requirements under Chapters 135-407, 135-905 and 135-1805(e), reface an existing 16.25 Foot high, 78 +/- Square Foot ground sign. The Applicant seeks a Variance as Medical Marijuana Treatment Centers are prohibited ground signs under Section 135-1805(e). The property is located at 120 Granite Street, is zoned Highway Business District as shown on Assessors Map 2057 Lot 9 with a total land area of 2.148 Acres.”

Chairman Stephen Karll stated he was satisfied that abutters had been properly notified. Chairman Karll added that the Staff Recommendation on this matter was Approval with conditions. Chairman Karll invited the Applicant to present.

Attorney McGuinness and Mr. Yon presented plans before the Zoning Board of Appeals to reface the existing 16.25 Foot high, 78 +/- Square Foot ground sign. Mr. Yon stated Native Sun

will be a tenant at 120 Granite Street and will be operating a Medical Marijuana Treatment Center. Mr. Yon stated there is an existing ground sign on the site for the former tenant, Pier 1 Imports.

Attorney McGuinness stated that Section 135-1805(e) of the Braintree Zoning Bylaw did not allow for Ground Signs and that the Applicant was seeking a Variance to reface the existing ground sign. Attorney McGuinness spoke to the hardships of the site as part of the relief requested, stating that the site was elevated on a ledge along Granite Street. Due to the difference in elevation, the site is not visible to users along granite street, and the ground sign is needed for Identification of the tenant. Attorney McGuinness further stated that the property is zoned Highway Business District, as are the surrounding properties, and the site is not located near any residential areas, and that granting relief would be within the spirit and intent of the Zoning Bylaw.

Chairman Karll questions the Applicant as to the operations of the site. Mr. Yon spoke to the establishment only allowing access to Medical Marijuana users, and therefor limited from the General Public. Chairman Karll further questioned the hour of operations for the establishment. Mr Yon stated the hours of operation are from 8:00 AM to 10:00 PM, seven days a week.

Chairman Karll acknowledged the hardships presented by the Applicant in support of the requested variance. Chairman Karll called on members of the public to offer testimony in support or opposition of the relief requested by the Applicant.

Maryanne Kahler of 280 Common Street questioned how bright the sign would be and which direction it faces. Attorney McGuinness responded stating that the sign would face the North side of the property. Chairman Karll stated they shall close the Public Hearing, with a Motion made by Member Michael Ford and Seconded by Gary Walker.

Member Michael Ford spoke to the topography of the site as a valid hardship for the requested Variance further citing the benefits to the public and users of the site, which would be beneficial to the intersection along Granite Street and North Street. Member Gary Walker stated that improvements to the site are going to benefit the town fiscally.

Chairman Karll stated they shall entertain a motion on this Application. Member Michael Ford Motioned to Approve the requested Variance pursuant to the hardships of the lots, based on conditions as proposed by staff and subject to the plans presented. Motion Seconded by Member Gary Walker. All in Favor: S. Karll – Aye, M. Ford Aye, G. Walker – Aye.

**Petition #23-18
22 Francine Road**

APPROVED

The Assistant Director states the Applicant has emailed and asked to continue the Petition without Testimony to the July 24, 2023 Meeting.

Chairman Karll read the Legal Notice into record:

“Andy Huang, Applicant, for relief from Braintree Zoning Ordinance Bylaw Requirements pursuant to Chapters 135-403, 135-701 and 135-707 to demolish the existing single family dwelling and construct a 3 Story single family dwelling with a 2,121 +/- Square Foot footprint. The Applicant seeks a Finding as the existing lot is 10,133 Square Feet and 15,000 Square Feet is required. The property is located at 22 Francine Road is zoned Residence B, shown on Assessors’ Map 2087 Lot 56 with a total lot area of 10,133 Square Feet.”

Chairman Karll states they shall entertain a motion to continue the matter. Member Michael Ford Motioned to continue the petition without testimony to the July 24, 2023, Meeting. Motion seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford Aye, R. McDnough – Aye.

ADMINISTRATIVE ITEMS

Member Ford motioned to approve the meeting minutes of May 22, 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 that the next meeting will be July 20, 2023 with members of the Planning Board and Town Council in attendance.

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 8:13 PM.

APPROVED