



Joseph. C. Sullivan  
Mayor

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

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

APPROVED

### Zoning Board of Appeals (ZBA) Meeting Minutes July 22, 2019 – Regular Session

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

**ABSENT:** Michael Ford, Member

**ALSO PRESENT:** Christine Stickney, Director-Planning & Community Development

Chairman Karll calls roll at 6:23 PM. three (3) members are in attendance (Karll, McDonough, Walker).

**MOTION** made to go into Executive Session voted by individual member roll call 3:0:0. The Board will discuss the strategy with respect to the Town's Motion for Reconsideration filed in Town of Braintree ZBA and 383 Washington Street LLC Housing Appeals Committee Case No. 2107-05 regarding the Housing Appeals Committee Interlocutory Decision Regarding Safe Harbor. The Chair announced to the public that they will return to the scheduled Zoning Board of Appeals Meeting after the Executive Session.

There is a **MOTION to adjourn** the Executive Session voted by roll call 3:0:0.

Chairman Karll calls the regular meeting to order at 7:20 PM and explains the process for hearing petitions before the Zoning Board of Appeals. There are four members in attendance for the Regular Meeting. (Karll, McDonough, Walker, Sciascia).

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 July 22, 2019 at 7 p.m.

**OLD BUSINESS**  
**Petition #19-14**  
**126 Jefferson Street**

Yiu Hung Chan, 7 Mosesso Drive, Holbrook, MA 02343 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407 and 701 to modify ZBA Decision No. 17-13 to reduce the size of proposed new two-story, single family dwelling from +/- 2,120 sq. ft. to +/- 1,268 sq. ft. building footprint; proposed project would intensify pre-existing nonconforming 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 126 Jefferson Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 1045, Plot 21 and contains a land area of +/- 9,027 sq. ft.

Director Stickney provides a quick update on this petition. At the last meeting, there was a discussion about a potential reconsideration. In discussion with the Legal Department, they suggested that not go forward, and we should leave the decision as it is. The applicant has decided not to go forward with it at this time. The matter will timeout on its own in the time to come. There is no need for any further action. This discussion was provided as an update.

## **CONTINUED PUBLIC HEARING**

### **Petition #19-23**

#### **519 Washington Street**

Emmanuel Episcopal Church (property owner) and IDIIL Learning Center, 128 Hyde Street, Newton, MA C/o Daniela Tudose (proposed tenant) at 519 Washington Street for relief from Zoning Bylaw requirements under Chapter 135, Sections 135-403, 407 and 806 (b)(c) for relief from required parking as a new daycare use and approval to utilize existing church parking spaces. The applicant seeks a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The property is located at 519 Washington Street, Braintree, MA 02184 and is subject to split zoning Residence B & C Districts, as shown on Assessors Map 2029, Plots 18 & 17, with combined land area of +/- 19,227 sq. ft.

This Petition was continued from our last meeting. Sitting on this petition for the Zoning Board of Appeals were: Stephen Karll, Michael Ford, Richard McDonough and Stephen Sciascia, alternate. Mr. Ford is not here tonight; therefore, Mr. Sciascia will be voting.

Chairman Karll had asked for this matter to be continued so that he could tour the facility. Rector Mulvey was kind enough to meet Chairman Karll and provide a tour of the building area that is being used for this afterschool program. Chairman Karll was quite impressed with the area that is being used for the afterschool program, and he doesn't have many issues with it. He understands that it will be 22-23 students. The only issue that may arise is related to car traffic. He hopes we can come to some conclusion about entering one way and exiting another. If they are exiting onto West Street, there may be an issue with taking a left there because of the traffic light. Rector Mulvey suggests entering from West Street and exiting at Monatiquot Street because it is safer for children exiting cars, as passenger side is on the side of the church entrance. Chairman Karll agrees with that and explains that not everyone will be there at the same time because pickup times will vary. Chairman Karll clarified that closing will be at 6:00 PM and pickup would be between 5:00 PM and 6:00 PM. Member Sciascia has been inside the facility and thinks it is great place for this use.

It is clarified that the number of students is determined by square footage. Director Stickney explains that we need to establish the square footage of the area that will be leased and used by IDIIL Learning Center. We are granting relief for what they will be leasing now. Chairman Karll suggests signage and notices to students to ensure the traffic pattern flows properly. It is

determined that IDIIL Learning Center will be using 867 square feet. If the applicant wants to expand in the future, they will need to appear back before the Zoning Board because parking will be set using 867 square feet as the base for calculation. Chairman Karll does not see an issue with parking. Director Stickney explains that the applicant has a licensing requirement that determines the number of students based on square footage. The Town does not get involved in that. The Town has a parking requirement based on square footage. The decision will reflect the square footage number and tell you the number of parking spaces required.

Member McDonough's only concern was safety, and he feels it has been addressed by the traffic pattern that enters on West Street and exits onto Monatiquot. He agrees there should be signage and education around traffic pattern. Chairman Karll confirmed there was plenty of parking for the use, it is a nice building, and the space is well-suited for the purpose.

There are no comments in favor or opposed from the public.

Director Stickney recommends a few conditions: (1) it be limited to 867 square feet; (2) the driveway be entering from West Street and exiting from Monatiquot; and (3) the hours provided are September to June, Monday to Friday, 3:00 PM to 6:00 PM. During the months of July and August, there would be a Summer Camp from 9:00 AM to 5:00 PM. Member Sciascia recommends adding that a right turn be used when exiting onto Monatiquot. Chairman Karll clarifies that the Applicant is responsible for signage. Director Stickney explains that once the condition is added, it becomes an enforcement issue.

Member McDonough **MOTION** to approve the petition subject to the conditions read by Director Stickney; seconded by Member Sciascia; voted 3:0:0 by Members Karll, McDonough and Sciascia.

## **NEW PUBLIC HEARINGS**

### **Petition #19-24**

#### **72 Brookside Road**

Debra MacKenzie, 72 Brookside Road, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135 Sections 135-403, 407, and 701 to construct a second story addition on an existing residential structure (footprint 2,280 SF). The existing structure is deficient of the required front yard setback. The applicant seeks a variance and/or findings that the proposed project will not be more detrimental to the neighborhood. The property is located at 72 Brookside Road, Braintree, MA 02184 and is zoned Residence B, as shown on Assessors Map 3005, Plot 25A and contains a total land area of +/- 13,100 SF.

Sitting on this petition for the Zoning Board of Appeals are: Stephen Karll, Richard McDonough and Gary Walker, with Steve Sciascia, alternate. Abutters have been duly notified.

The Applicant, Debra MacKenzie, explains that she wanted to put a second floor addition onto her existing footprint; it will be the same footprint that she has now. There is no plan for digging; they have already talked to Conservation. The most important reason the Applicant is doing this is because she needs the support of her daughter in her home because she has a special needs child, and she needs a second person in place besides herself. Ms. MacKenzie does not feel that this addition will be detrimental to the neighborhood. Most of the single-family homes in her neighborhood have a second floor; she is the only ranch on the street.

Director Stickney provides a background for this application. The front setback is a pre-existing situation. Going straight up on the existing ranch with a second level requires a Finding by the

Zoning Board in order to do that. Staff has recommended approval. Connor Murphy, Staff Planner, worked on this with one issue on the building height, but the Applicant has reconciled this issue. Ms. MacKenzie states that the Staff Planner has been very helpful, and she agrees that they needed to get the surveyed drawings redrawn because of an error by the surveyor. This was done last week. Ms. Mackenzie had a question about the front setback being 18 feet rather than 14 feet. Director Stickney clarifies the issue with front setback and explains that they layout of the road goes beyond the sidewalk because there is usually a three foot grass strip, and she confirms that the Planning Department is well aware of what the applicant has been going through with the surveyor. The Staff Planner felt this could be dealt with easily before the Applicant pulls their Building Permit. The Staff Planner made two suggestions on the Finding: (1) that they calculate the building height and resubmit the architectural renderings; and (2) get a certified copy of the Decision and record it at the Registry of Deeds. The Applicant clarifies that her builder states the height is 24 feet, but Director Stickney states this needs to be added to the drawing.

Member Sciascia asks if the Applicant would consider taking out the kitchen on the second floor; Member Sciascia explains that this Board has historically given the homeowner every right to build up on their existing footprint; however, this is a second story apartment above the first floor. This is one of the issues that residents are concerned about and protesting. The Applicant explains that it is not going to be a separate apartment; there will be a common entrance. It is for the care of a family member. The Applicant explains there would be a small galley kitchen. Director Stickney explains there is case law on the kitchen issue. The in-law accommodations the Town currently provides allows her to do this. It is under Building Code. We would be hard-pressed to ask her to take the kitchen out; however, if the Board feels strongly that it is a concern, we can include a condition that states it cannot be a separate, residential, rentable unit. The Applicant confirms that is why they have a common entry area. Director Stickney explains the process for completing the decision, appeal period and applying for Building Permit to the Applicant.

There are no comments in favor or opposed from the public.

Member McDonough **MOTION** to approve the petition subject to the conditions stated this evening; seconded by Member Walker; voted 3:0:0 by Members Karll, McDonough and Walker.

**Petition #19-25**  
**282 Middle Street**

Kara Bendery, 282 Middle Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Sections 135-403, 407 and 701 to construct a 16' x 15.5'(248 SF) deck at the rear of the existing dwelling. The deck is proposed to be 1.2 LF from the property line and is deficient of the required 10' LF side yard setback. The applicant seeks a permit, variance and/or finding that the proposed project is not more substantially detrimental to the neighborhood. The property is located at 282 Middle Street, Braintree, MA 02184 and is zoned Residential B, as shown on Assessors Map 2011, Plot 02 and contains a land area of +/- 5,710 SF.

Director Stickney explains that we received a written request from the Applicant to continue this Petition to our August meeting.

Member McDonough **MOTION** to continue the Petition, at the request of the Petitioner, to the Zoning Board Meeting on August 26, 2019 and the time be extended mutually by the Petitioner and the Zoning Board by sixty (60) days; seconded by Member Walker; voted 3:0:0.

**Petition #19-26A**  
**715 West Street**

Attorney Kimberly A. Bielan of Moriarty, Troyer & Malloy, LLC representing Sara Heurlin- Frazier et al, 715 West Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Sections 403, 407, 701 and 702 to address the lot and building setback zoning deficiencies as a result of reconfiguring the existing lot through an Approval Not Required Plan (ANR) into a new lot. The existing residential structure on the new lot was previously non-conforming as to the residential use and will continue this use with the newly created lot. The applicants seek a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The property at 715 West Street is zoned Open Space Conservancy and lies within the Watershed Protection Overlay District as shown on Assessors' Map 2053D, Plot 3 and contains a total land area of +/- 18,730 SF.

**Petition #19-26B**  
**725 West Street**

Attorney Kimberly A. Bielan of Moriarty, Troyer & Malloy, LLC representing Carol Ann Heurlin Connors et al, 725 West Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Sections 403, 407, 701 and 702 to address the lot and building setback zoning deficiencies as a result of reconfiguring the existing lots through an Approval Not Required Plan (ANR) into a new lot. The existing residential structure on the new lot was previously non-conforming as to the residential use and will continue this use with the newly created lot. The applicants seek a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The property at 725 West Street is zoned Open Space Conservancy and Highway Business and lies within the Watershed Protection Overlay District as shown on Assessors' Map 2053D, Plot 2A and contains a total land area of +/- 47,916 SF.

Director Stickney provides a quick overview for each of the petitions. When they initially made the application to the Zoning Board, we realized that we could not do this all on one application. We went back to the applicant and explained that they needed to break this apart into separate applications based on what the Applicant wants to do. With Petition 26, Petition 26A and Petitions 26B we are all dealing with the same area, which is two lots. Director Stickney suggests reading the legal notices for 26A and 26B, which can then be addressed together but with separate motions. Then we can go on to Petition 26 last, which you will understand why when we get to it.

Chairman Karll proceeds to read the legal notices for Petitions #19-26A and #19-26B. Chairman Karll asks which end of West Street this is. Director Stickney explains this is down by Blue Hills Cemetery. There are two houses just before you turn into Brooks Drive. Chairman Karll is satisfied that Abutters have been duly notified for Petitions #19-26A and #19-26B. Director Stickney explains that the recommendation of the Planning Board is to go with Staff approval, and she explains that this is both a Finding and a Variance for each Petition.

Sitting on Petitions #19-26A and #19-26B for the Zoning Board of Appeals are: Stephen Karll, Richard McDonough and Steve Sciascia, with Gary Walker, alternate. Chairman Karll states that he lives off of West Street and is willing to recuse himself if the Applicant thinks there is an issue.

Director Stickney explains that there is an unusual configuration on the properties today, and she highlights the layout of the lots on the plan.

Attorney Kimberly Bielan is here with Shane Brenner of Merrill Engineers, who has been the surveyor and engineer on the project. Also in attendance are property owners Sara Heurlin-Frazier, who owns 715 West Street, and Carol Ann Heurlin Connors, who owns 725 West Street. Attorney Bielan provides history, which may be helpful for the ANR application. Petitions 26A and 26B relate to an ANR endorsement. They were before the Planning Board on July 9th, and they voted to endorse the ANR plan. Attorney Bielan highlights the layout of the lots, explaining that the property line runs through the house at 725 West Street, which has 50 feet of frontage. What is now proposed is over 100 feet of frontage for both lots and creating a lot that does not bisect a house, which they view as an improvement. The properties were held in common ownership for an extended period. They were part of a larger family compound, and they were used as single-family dwellings. Originally, there was a nursery there, and over time lots were sold off. At 715 West Street, to the east on the property, that is a two-story cottage. It was constructed in 1924. There is a garage, which the family refers to as a barn, which is 3.3 feet from the property line. At 725 West Street, there is an existing one-story house that was built in 1967. The dwellings have been here for a significant period. In 2017, there was an intra-family conveyance, for nominal consideration. At the time, Sara Heurlin's mother and aunt owned both of the properties and sold them to Sara and her husband. They were unaware that the property line ran through the center of the house on 725 West Street until it was sold. Attorney Bielan highlights the plan and explains that some of the relief is necessitated by the fact that lot size and setbacks are much more significant than they would be in a residential district.

In 2017 the property was sold off, and Sara and her husband began to explore renovation of the property, as they have a growing family. They want to make it more useable. Shane Brenner of Merrill Engineers explains that this should have been discovered at the time of conveyance in 2017. At the time, in the deed, there were two separate parcels; the attorney just assigned the front right corner to 715 West Street and did not perform "due diligence" at that point. Mr. Brenner explains that they are working with the parties on an equitable split of the lot. Chairman Karll asks how big Lot 1A will be. Mr. Brenner explains that Lot 1A (725 West Street) will be 32,261 square feet or .73 acres. The existing land area is 47,227 square feet or 1.08 acres. Director Stickney explains that, the way the lot exists today, the smaller lot in the front is Open Space Conservancy, and the larger lot that wraps around is half Open Space Conservancy and half Highway Business. They are not zoned a Residential District. We thought that it was, perhaps, a drafting error on the Town's part when they did the Blue Hills Cemetery. The Engineering Department states it was intended to be Open Space Conservancy. Chairman Karll asks if Lot 1B is a newly created lot. Mr. Brenner explains that Lot 1B would consist of the existing lot, prior to the creation of Lot 1B and would be 18,709 square feet or .43 acres, and we are going to take 20,813 square feet or .48 acres from the 725 property to create a lot with 33,675 square feet or .78 acres. Chairman Karll confirmed that they were still very big lots. As part of the Comprehensive Zoning Re-Write, these two parcels were targeted as inclusion in Residence A Zoning, which would have 25,000 square feet. Therefore, both parcels exceed the 25,000 square foot requirement. Unfortunately, the residents cannot wait any longer.

Director Stickney explains that there are two Staff Reports (26A and 26B), and the last column shows what is needed for a Finding and a Variance. Director Stickney explains that the motion would be to determine where an "F" or "V" is noted to be required on the chart.

Member Sciascia asks if both parties are satisfied with the division of the property. Both parties confirm that they are satisfied.

Chairman Karll confirms that there are no comments in favor or opposed from the public.

Director Stickney provides a recommendation on wording for the motion.

Member Sciascia **MOTION** to approve the Petition for 715 West Street (File #19-26A) with a Finding that the lot area, lot width, front yard setback and side yard setback are not more substantially detrimental to the neighborhood; seconded by Member McDonough; voted 3:0:0 (Karll, McDonough, Sciascia).

Director Stickney explains that they next need to approve a Variance for lot area, lot width and side yard setback.

Member Sciascia **MOTION** to approve the Petition for 715 West Street (File #19-26A) with a Variance that the lot area, lot width, and side yard setback based on the soil, shape and topography of the property; seconded by Member McDonough; voted 3:0:0 (Karll, McDonough, Sciascia).

Director Stickney explains that we need to do the same thing for the Petition for 725 West Street (File #19-26B).

Member Sciascia **MOTION** to approve the Petition for 725 West Street (File #19-26B) with a Finding that the lot area, lot width, front yard setback and side yard setback are not more substantially detrimental to the neighborhood; seconded by Member McDonough; voted 3:0:0 (Karll, McDonough, Sciascia).

Member Sciascia **MOTION** to approve the Petition for 725 West Street (File #19-26B) with a Variance that the lot area, lot width, front yard setback and side yard setback based on the soil, shape and topography of the property; seconded by Member McDonough; voted 3:0:0 (Karll, McDonough, Sciascia).

Director Stickney explains that Petition #19-26, 715 West Street, should be treated as a new Hearing. The structures that you see on the plan are how they exist today; there is no new development. The structure at 715 West Street wants to do an addition, and that is found under the application for Petition #19-26.

## **Petition #19-26 715 West Street**

Attorney Kimberly A. Bielan of Moriarty, Troyer & Malloy, LLC representing Sara Heurlin-Frazier et al, 715 West Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Sections 403, 407, 701 and 702 for a construction of a two story 15x23.9 addition (358 SF), a 5.9x8 entry (47.2 SF), a 18x32 LF deck (582 SF) and a proposed 24x34 LF (816 SF) two car garage all connected to an existing non-conforming residential structure. The applicants seek a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The property at 715 West Street is zoned Open Space Conservancy and lies within the Watershed Protection Overlay District as shown on Assessors' Map 2053D, Plot 3 and contains a total land area of +/- 18,709 SF.

Director Stickney explained that we had to reference the existing map and plot and lot size because the action just performed under File 26A and 26B hasn't been recorded as the new configuration.

Chairman Karll is satisfied that abutters and the abutters to the abutters within 300 feet have been duly notified. Sitting on this petition for the Zoning Board of Appeals are: Stephen Karll, Richard McDonough and Steve Sciascia, with Gary Walker, alternate.

Attorney Kimberly A. Bielan of Moriarty, Troyer & Malloy, LLC representing Sara Heurlin-Frazier, 715 West Street, Braintree, MA 02184, explains this has been the project that sparked it all. What the applicant is proposing to do is a modest addition. They will be removing the existing garage that is 3.3 feet from the property line. The new side-yard setback will be 18 feet. They will be constructing a new attached two-car garage. They are doing some reconfiguration of the internal floorplan and adding a second story to the rear of the structure. It will remain four bedrooms. The 3.3 foot side yard setback on the eastern property line will increase substantially to 18 feet.

There is a height increase from 22 feet to 25 feet 6 inches. The Open Space Conservancy has a 20 foot maximum, but with the Highway Business District you can go up to 50 feet. In the Residence A Zoning District you can go up to 35 feet; so, 25 feet 6 inches is in keeping with that. There is about a 1000 square foot increase in footprint because you are getting rid of the one garage and adding the garage and the deck. The idea is to improve the structure and increase the utilization for the property owners. Sara's mother is going to be moving in. Chairman Karll asks how close the property is to the cemetery. Attorney Bielen explains it is 18 feet.

Director Stickney explains that, when they did the initial analysis of the division of the two lots, that property line went through the house at 725 West Street. The lot at 715 was carrying that building coverage (for half of the residence at 725 West Street). This is pretty close to a "wash" for what was previously included in the calculation for building coverage. It is all now in one area with improved setbacks.

Chairman Karll notes that staff has recommended approval.

Chairman Karll confirms that there are no comments in favor or opposed from the public.

Member Sciascia asks staff if Residence A side setback is 20 feet. Director Stickney reminds the Board that the Applicant is going to stay Highway Business and Open Space Conservancy. Therefore, we don't use any of the Residence A side setbacks. Member Sciascia's one concern is that it would be unreasonable to hold them to the 50 foot side setback, but he doesn't think it would be unreasonable to hold them to the 20 foot side setback for Residence A. Director Stickney confirms it will be Residence A if it gets rezoned; however, because the cemetery is zoned Open Space Conservancy, they are going to have to seek a Special Permit because there is a 30 foot setback on that. More than likely, the Planning Board would issue a Special Permit. Mr. Brenner and Attorney Bielen clarify that the side yard setback is 10 feet.

Chairman Karll confirms that the Applicant needs three Findings and one Variance.

Chairman Karll **MOTION** to approve the Petition, subject to the plans, with a Finding that what the Applicant is proposing for the Front Yard Setback, the Side Yard Setback and the Maximum



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Building Height is not substantially more detrimental to the neighborhood than what already exists; seconded by Member McDonough; voted 3:0:0 (Karll, McDonough, Sciascia).

Chairman Karll **MOTION** to approve the Petition, subject to the plans, for a Variance related to the Maximum Building Height based on the soil, topography and conditions, location and shape of the lot; seconded by Member McDonough; voted 3:0:0 (Karll, McDonough, Sciascia).

**Petition #19-27**

**1535 Washington Street**

Trustees of Thayer Academy, Julaine McInnis, 745 Washington Street, Braintree, MA 02184 for relief from Zoning Bylaw requirements under Chapter 135, Section 135-904.2 for their property at 1535 Washington Street to erect six (6) wayfinding/ground signs totaling 384 SF located throughout the site, six (6) 16'x4'(64 SF) Duratex mesh banners/wall signs to hang from the athletic complex along with a 127.3 SF wall sign also on the west side of the new athletic complex located on the site. The applicants seek a permit, variance and/or finding that the proposed project will not be more substantially detrimental to the neighborhood. The properties involved with the erection of signs are 1535 Washington Street, zoned Watershed Highway Business, as shown on Assessors' Map 1053 Plot 12h contains a total land area of 12.3 (+/-) acres and 0 Washington Street, zoned Watershed Highway Business as shown on Assessors' Map 1050 Plot 14 contains a total land area of 18,861(+/-) SF.

Sitting on this petition for the Zoning Board of Appeals are: Stephen Karll, Richard McDonough and Gary Walker, with Steve Sciascia, alternate. Chairman Karll is satisfied that abutters and the abutters to the abutters within 300 feet have been duly notified.

The Planning Board has recommended a favorable action in accordance with staff recommendation, with all illumination shut off according to Zoning Bylaws (one hour after closing) and with a prohibition from 1:00 AM to 6:00 AM.

Dan Eldredge, Architect with Eck MacNeely, and Paul Mathis, with Allen & Major Associates, are presenting the Petition. They are proposing three different types of signs. They have ground based signs, which are mostly wayfinding. They have wall-based signs on the building facing the north, and they have projecting wall signs on the back side of the building. They are proposing six wall signs projecting on the back of the building opposite Washington Street. Chairman Karll asks who will see those wall signs. Mr. Eldredge explains that FoxRock will see those wall signs. You can catch a glimpse of them through the trees from the corner of Braxton and Washington. Director Stickney clarified that this will be for the Thayer Ice Rink. Mr. Eldredge explains that the proposed banners will be 16 feet high and 4 feet wide. Chairman Karll does not have an issue with the signs, but he wonders who will see them. The Architect has a letter from FoxRock that states they support the wall banners, the sign on the building, as well as the wayfinding signs. FoxRock does request that we continue the sign at the corner of Braxton and Washington Street because FoxRock wants to reconsider their signage at this location. Mr. Eldredge clarifies that the Thayer building will be a hockey rink and a turf field. There will be 1 ½ sheets of ice. Mr. Eldredge explains that the overall square footage of site signage is within the allowance, but they are seeking relief on the number of ground signs. Mr. Eldredge highlights the location of the ground signs and explains what each sign will say.

Member Walker asks what will be illuminated. Mr. Eldredge explains that they are proposing illumination on all the ground mounted signs. Member Walker confirms that lighting will be shining upward and the signs themselves will not be lit. Mr. Eldredge explains that they are proposing a similar lighting on the banner signs.

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Chairman Karll asks about the wall banner signs on a windy day. Mr. Eldredge explains that they are rigid banners with rigid arms at the top and bottom. The material is a mesh material. Chairman Karll asks if they are mounted. Mr. Eldredge explains they are designed to withstand a strong wind.

Member Sciascia asks about a sign located at the end of the building somewhat facing Washington Street. Mr. Eldredge feels that the main part of Washington Street is far enough away with two rows of trees between the building and the street.

Director Stickney explains that the only comment made by staff was related to FoxRock wanted to delay getting relief on the ground sign. Mr. Eldredge states that FoxRock's concern was only related to the sign at Washington and Braxton Streets. Staff felt it wasn't worth holding the petition up, and that the applicant also has rights to ground signs.

Member Sciascia states that is the one sign he had a concern about because, for everywhere else in town, the entrance from the main town street has a sign for the complex. He would hate to set a precedent where each use in the complex has separate signage.

Director Stickney explains that staff will be working with them on signage. To be fair to Thayer and FoxRock, this whole complex has been in need of an upgrade, and we are paying a lot of attention to the aesthetics. Director Stickney feels confident that the Planning Department can oversee this. Chairman Karll agrees that one sign would be better than five separate signs at the entry to the complex; however, he agrees that holding the project up over one sign is not the right way to do it. Mr. Eldredge clarifies that there are several addresses within the complex owned by FoxRock, and Thayer will also have an address within the complex.

Member Sciascia suggests a message to Thayer that they might not want to break ground on that one sign. Mr. Eldredge states that FoxRock has a concern about it, as well.

Chairman Karll confirms that the applicant will need to come back before the Zoning Board for any possible changes that might be made.

Chairman Karll confirms that there are no comments in favor or opposed from the public.

Chairman Karll feels that for public safety reasons it is important to have signage to be able to maneuver the property. It is well off the beaten path and difficult to see from Washington Street.

Member Walker **MOTION** to approve the Variance for Petition #19-27, subject to Staff Recommendations requiring that all illumination be shut off according to Zoning Bylaws (one hour after closing) and with a prohibition of illumination from 1:00 AM to 6:00 AM; seconded by Member McDonough; voted 3:0:0 by Members Karll, McDonough and Walker.

The Board adjourned the meeting at 9:27 PM.

Respectfully submitted,

Louise Quinlan