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ZONING BOARD of APPEALS

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

January 23, 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
Timothy Burke, Alternate
Connor R Murphy, Assistant Director

Alternate Member Gary Walker Absent

Meeting Commenced at 7:00 P.M.

Chairman Stephen Karll called the meeting to order. Chairman Stephen Karll introduced all members of the Zoning Board of Appeals including staff members. Chairman Karll stated to the public in attendance that items would be brought up in the order they appear on the agenda. Chairman Karll called on the Applicant for Petition #22-43, 161 Forbes Road.

NEW BUSINESS

**Petition #22-43
161 Forbes Road**

Chairman Karll read the Legal Notice into Record:

“Lamour Community Health Institute, INC., Applicant, for relief from Bylaw Requirements under Chapters 135-407, 135-904.2 and 135-905 to construct three (3) wall signs to the existing building. The Applicant seeks a Variance and authorization, as no more than one wall sign is allowed in a Highway Business Zone. The property is located at 161 Forbes Road, Braintree, is zoned Highway Business District as shown on Assessors Map 2043 Plot 1C with a Land Area of 17,424 Square Feet.”

Attorney Dillon Brown, on behalf of the Applicant, was present before the Zoning Board of Appeals. Chairman Karll stated he was satisfied abutters had been properly noticed. Chairman Karll stated the Staff Recommendation was Approval with conditions.

Attorney Brown stated he was appearing on behalf of the Applicant, for the requested relief, to construct multiple wall signs at 161 Forbes Road, an existing office building located in the Highway Business District. Attorney Brown further detailed that the Applicant's business is a Non-Profit Organization focused on educational and behavioral health services, while being licensed by the Massachusetts Department of Education. Attorney Brown discussed the signage proposal which consists of three wall signs. Two of the Wall signs would be located at the top of corners of the building, facing the abutting highway and Forbes Road. The third Wall Sign is proposed to be over the entrance of the building on the ground floor.

Attorney Brown stated the total square footage of all three signs is 119 Square Feet. Pursuant to 135-904.2(A)(5)(e), the sign area is limited to the building frontage, which is 121 FT and renders an allowable area of 121 Square Feet. The proposed signs only contain the business name, and no other advertising material. The proposed signs also comply to the maximum of height of wall signs in a Highway Business Zone as only 4 Feet in height is allowed.

As grounds for the requested variance, Attorney Brown detailed the irregular shape of the parcel and its sloping topography. Given the configuration of the lot as it relates to the existing building, the increase in signage is needed to alert users of the property along Forbes Road and the highway.

Mr. Michael Ripley, of Sign Design, was present on behalf of the Applicant and spoke to the design of the sign. Mr. Ripley stated that the signs at the top of the building will be fabricated from aluminum and will consist of halo lit channel letters.

Mr. Ripley further added that the sign above the existing doorway will be edge lit and above the fascia. Chairman Karll questions the Applicant as to the time that the signs will be illuminated. Mr. Ripley stated the sign will be illuminated within the hours allowed under the Town's Zoning Bylaw and is set by a timer.

Member Michael Ford reaffirmed that there will be two signs at the top of the building, facing the opposite portion of the highway. Attorney Brown stated the existing billboard blocks the other corner of the building.

Member Timothy Burke questions the Assistant Director as to why this is not considered a Marquee Sign. The Assistant Director states in speaking with the Building Inspector at the time the Application was submitted, the Building Inspector's opinion was this could be classified as a Wall Sign.

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

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support or opposition of the relief requested by the Applicant. No one from the public provided testimony.

Chairman Karll stated they shall close the Public Hearing, with a Motion made by Member Michael Ford and Seconded by Richard McDonough.

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 Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll calls on the Applicant for Petition #23-01, 75 Columbus Avenue.

**Petition #23-01
75 Columbus Avenue**

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Chairman Karll reads the Legal Notice into record:

“Vung Tran, Applicant, for relief from Bylaw Requirements under Chapters 135-403 and 135-701 to construct a second story addition to the Non-Conforming Single Family Dwelling. The Applicant seeks Findings as the addition will be within the Non-Conforming Side Yard Setback of 6.1 Feet, where .2 Feet is existing, and 10 Feet is required in addition to being within the Non-Conforming Front Yard Setback of 15 Feet where 20 Feet is required. The property is located at 75 Columbus Avenue, Braintree, and is zoned Residence B as shown on Assessors Map 1027 Plot 52 with a Land Area of 5,000 Square Feet.”

Vung Tran, Applicant, was present before the Zoning Board of Appeals to construct a second story addition to the Non-Conforming Single Family Dwelling. Chairman Karll stated he was satisfied abutters had been properly noticed. Chairman Karll stated the Staff Recommendation was Approval with conditions.

Mrs. Tran presented plans to the Zoning Board of Appeals to construct a second story addition within the Non-Conforming Side Yard Setback of 6.1 Feet, while .2 Feet is existing at the rear deck. The Single Family Dwelling is also Non-Conforming with respect to the existing Front Yard Setback as 15 Feet is existing and 20 Feet is required.

Mrs. Tran stated the proposed addition was to increase the living space within the Single Family Dwelling. The addition would include more bedroom space and bathroom space. Mrs. Tran further added that the proposed addition required a Finding from the Zoning Board of Appeals and that the addition itself was not substantially more detrimental than the existing Non-Conforming use.

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 Timothy Burke. Chairman Karll stated there does not seem to be any issues with this request.

Chairman Karll questions the Applicant whether the deck is proposed to be altered. Mrs. Tran stated that will remain as existing.

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 Finding as the proposed addition was not more detrimental than the existing Non-Conformities, subject to the plans presented and conditions as prepared by staff. Motion Seconded by Member Timothy Burke. All in Favor: S. Karll – Aye, M.Ford – Aye, T. Burke – Aye.

Chairman Karll directs the Applicant to work with staff in regards to the decision. Chairman Karll calls on the Applicant for Petition #23-02, 18 Cape Cod Lane.

**Petition #23-02
18 Cape Cod Lane**

Chairman Karll read the Legal Notice into record:

“Rachel and Kevin Adams, Applicants, for Relief from Bylaw Requirements under Chapters 135-403 and 135-701 to construct a rear deck to the Non-Conforming Single Family Dwelling. The Applicant seeks a Finding as the proposed deck will have a Rear Yard Setback of 18.6 Feet, where 18.4 Feet is existing and 30 Feet is required. The Applicant also seeks to amend ZBA Decision #21-10. The property is located at 18 Cape Cod Lane, Braintree and is zoned Residence B as shown on Assessors Map 3003 Plot 60J with a Land Area of 6,200 Square Feet.”

Kevin and Rachel Adams, Applicant, was present before the Zoning Board of Appeals to construct a rear addition to the Non-Conforming Single Family Dwelling. Chairman Karll read the legal notice into record. Chairman Karll stated he was satisfied abutters had been properly noticed. Chairman Karll stated the Staff Recommendation was Approval with conditions.

Mr. and Mrs. Adams presented plans to the Zoning Board of Appeals to construct a rear addition within the Non-Conforming Rear Yard Setback of 18.6 Feet, where 18.4 Feet is existing and 30 Feet is required. The Single Family Dwelling conforms to other requirements within section 135-701 (Table of Density and Dimensional Requirements).

Mrs. Adams stated they appeared before the ‘Board for a two story addition in 2021 and received approval. The proposed deck for their growing family and offers a safe outdoor area.

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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 Richard McDonough. Chairman Karll stated there does not seem to be any issues with this request.

Chairman Karll questions the Applicant whether the deck is proposed to be open or have a covering. Mrs. Adams stated that it will be an open deck.

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

Member Michael asks the Assistant Director of Clarification on the Amendment that is required. The Assistant Director stated that a motion to Amend the Decision with new record plans was needed.

Chairman Karll states they shall entertain a motion on this Application. Member Michael Ford motioned to approve the requested Finding as the proposed addition was not more detrimental than the existing Non-Conformities, subject to the plans presented and conditions as prepared by staff. Motion 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 the Amendment. Member Michael Ford motions to amend Decision #21-10 with a change in record plans. Motion Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll directed the Applicant to work with staff regarding the Decision. Chairman Karll calls on the applicant for Petition #23-03, 61 Acorn Street .

**Petition #23-03
61 Acorn Street**

Chairman Karll reads the Legal Notice into record:

“Scott Coen, Applicant, for relief from Bylaw Requirements under Chapters 135-403, and 135-701 to construct a second story addition to the Non-Conforming Single Family Dwelling. The Applicant seeks a Finding as the second story addition will be within the Non-Conforming Side Yard Setback of 8.3 Feet where 10 Feet is required. The property is located at 61 Acorn Street, Braintree, and is zoned Residence B as shown on Assessors Map 2061 Plot 43 with a land area of 7,500 Square Feet.”

Scott Coen, Applicant, was present before the Zoning Board of Appeals to construct a second story addition to the Non-Conforming Single Family Dwelling. Chairman Karll stated he was satisfied abutters had been properly noticed. Chairman Karll stated the Staff Recommendation was Approval with conditions.

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Mr. Coen presented plans to the Zoning Board of Appeals to construct a second story addition within the Non-Conforming Side Yard Setback of 8.3 Feet. The Single Family Dwelling conforms to the other required setbacks under Section 135-701, Table of Density and Dimensional Regulations.

Mr. Coen stated the proposed addition was to increase the living space within the Single Family Dwelling. The addition would include more bedroom space. Mr. Coen further added that the addition was not going to be substantially more detrimental than the existing Non-Conformity.

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 Timothy Burke. Chairman Karll stated there does not seem to be any issues with this request.

Chairman Karll questions the Applicant as to whether the addition was over the existing footprint of the first floor. Mr. Coen stated it was.

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 Finding as the proposed addition was not more detrimental than the existing Non-Conformities, subject to the plans presented and conditions as prepared by staff. Motion Seconded by Member Timothy Burke. All in Favor: S. Karll – Aye, M. Ford – Aye, T. Burke – Aye.

ADMINISTRATIVE ITEMS

The Assistant Director for the Department of Planning and Community Development provided updates for the 'Board regarding the Towns Master Plan. The Assistant Director stated the next meeting for the Master Plan Steering Committee is on February 23, 2023, in Cahill Auditorium, Braintree Town Hall at 7:00 PM.

The Assistant Director stated there minutes from November 28, 2022 for Approval.

Member Michael Ford motioned to approve the meeting minutes of November 28, 2022, Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

Chairman Karll Stated there shall be a motion to close the meeting. Member Michael Ford motioned to close the meeting, Seconded by Member Richard McDonough. All in Favor: S. Karll – Aye, M. Ford – Aye, R. McDonough – Aye.

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Meeting Adjourned at 8:06 PM

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