Zoning Board of Appeals (ZBA)
Meeting Minutes
April 22, 2019

IN ATTENDANCE: Stephen Karl, 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 April 22, 2019 at 7 p.m.

OLD BUSINESS:

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

At the continued public hearing on April 22, 2019, the petitioner Steve Webster was
joined by Terry McGovern of Stenbeck & Taylor, Inc. Mr. McGovern discussed, that based on
comments received during the previous public hearing, the proposed drainage system has been
revised to provide six (6) leaching pits measuring 8 ft. diameter by 3 ft. depth are now shown
beneath the swale basin and the swale basin depth has been increased to 2.5 ft. from 1 ft.
depth. He discussed the changes reduce runoff discharging off-site to the westerly properties
so that runoff to the abutting Doherty property is all but eliminated by installing a new Cape Cod
Berm, filling in eroded areas and providing an earthen berm in the rear corner. In addition, Mr.
McGovern highlighted runoff from the majority of the site, including all of the paved and roof
area, is directed to the deeper drainage basin and leaching pits which provide storage for up to
a 25-year storm. As to a 100-year storm, runoff and volume is reduced by approximately 50%
by attenuation of the storm, where currently all runoff sheets directly off-site. Due to the
proposed improvements, now runoff will be detained and stored in the basin with about half of
the current flow eventually spilling over at a greatly reduced rate.

Mr. McGovern reminded the Board that at present, there is no stormwater management or controls on the site. Runoff generally sheets unimpeded down the driveway along the north and south sides of the existing building and onto the adjacent residential properties. Erosion to the rear of the property is visible in the pavement and gravel areas. Some of the runoff sheets onto the adjacent driveway/roadway to the south, which is the lowest part of the site. The new pavement will be bermed to direct runoff into a stone filter trench that is one foot wide and two feet deep with filter fabric around the stone interface at the edge of the new pavement at the rear of the site. Placement of an 12 inch Cape Cod Bem will insure that runoff stays within the paved areas until it reaches the drainage basin proposed to be constructed in the rear of the site.

As far as the proposed stone filter trench, it will perform two functions: 1.) Filter out sediments from the parking area along with pollutants, and 2.) Serve to slow the runoff discharging to the basin. The stone filter trench will need to be inspected seasonally. Below the new parking area and beyond the stone trench, a 2.5 ft. by 12.5 ft. wide by 75 ft. long drainage basin will be constructed. This will stretch across the majority of the west (rear) side of the site and have a small L-shape that will run along the southerly side at the present low point.

Within the basin, two catch basins with 4 ft. deep sumps and oil/gas hood are proposed. The catch basins will discharge to a total of 6 precast concrete leaching pits that are 8 ft. in diameter and 3 ft. deep, surrounding with 2 ft. of stone. Cast iron frames and covers are provided on all components for inspection and cleaning.

At the southerly corner of the proposed basin, at the existing natural low point, an emergency spillway is show so that runoff at the 100-year storm event will pass at a rate and volume less than the existing condition. The spillway is required so that at the 100 year storm event, water does not overtop the entire basin, causing erosion and potential failure. The spillway is located at the existing natural low point where runoff is now channeled down the adjacent driveway/road and not directly at the abutting residential structures.

The proposed basin will hold up to the approximate 25-year storm event, with a very small discharge that is about 70% less than the existing condition. Due to space limitations on the site, including depth to groundwater, full containment of the 100-year storm event on site without any discharge is not possible.

Chairman Karll asked the Mr. McGovern if he had addressed the items listed in the comment letter from the Town’s Stormwater Division. Mr. McGovern said he had discussed the comments with the Town’s Stormwater Manager, and feels he has addressed all the issues. One of the comments, regarding the holding and releasing of water in a 100-year event, was a concern. Mr. McGovern reiterated that the system will hold and slow the release of water in a 100-year event and that they have done their best to manage a significant storm event. There was also another point about utilizing different rainfall discharge data. However, Mr. McGovern stated the differences were minor at the 50 year and 100 storm events. Mr. Ford stated that the petitioner is seeking to greatly improve the stormwater management of the property, which essentially does not provide any stormwater management currently. He also added the petitioner has revised the plans to address to the best of their ability, managing significant storm events. Mr. McDonough agreed with member Ford and highlighted the petitioner has addressed all of the questions/comments of abutters and the Board. Mr. Sciascia asked if they would be removing any trees from the front of the property. Mr. Webster said no and that their
will be a net increase in trees on the property.

The petitioner's is existing building is nonconforming, as the front yard setback is 16 ft., where 20 ft. is required. In addition, the existing use is a pre-existing nonconforming use (Professional Office Use in a Residence B Zoning District is Forbidden). Therefore, the expansion/addition of a nonconforming use, pursuant to Braintree Zoning Bylaw Section 135-403(a) and M.G.L. Chapter 40A, Section 6, requires a finding.

As grounds for the requested finding, the petitioner stated the proposed improvements will bring the property into conformity with the office use off-street parking requirements. Presently, a portion of the existing parking area encroaches upon the southerly abutter. The encroachment will be remedied. In addition, the updated parking area will be delineated and sized in accordance with the bylaw. Furthermore, the improvements will provide storm water management and ground water infiltration along with substantial landscaping.

The petitioner presented the plan entitled "Site Plan Showing New Parking Area, 285 Washington Street, Braintree, MA", Sheets 1 thru 4, dated March 19, 2019 and revised April 22, 2019 and prepared by Stenbeck & Taylor, Inc. of Marshfield & Mashpee Commons, MA. The petitioner also presented the plan entitled "Site Plan Showing New Parking Area, 285 Washington Street, Braintree, MA", Sheets 1 thru 2, dated March 19, 2019, and prepared by Stenbeck & Taylor, Inc. of Marshfield & Mashpee Commons, MA. The petitioner also presented the plan entitled "Site Plan Showing New Parking Area, 285 Washington Street, Braintree, MA", Sheet 1, dated August 9, 2018 and prepared by Stenbeck & Taylor, Inc. of Marshfield, MA. In addition, the petitioner submitted a report entitled "Drainage Stormwater Analysis Report", dated March 18 and prepared by Stenbeck & Taylor, Inc. of Marshfield, MA. Furthermore, the petitioner presented a plan entitled "Section 9, Operation and Maintenance Plan", pages 1 thru 2. Lastly, the petitioner presented a variety of imagery depicting the existing site conditions.

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; and 2.) Submission of as-built plan to the Planning & Community Development Department prior to issuance of a Certificate of Occupancy. Rich Dougherty of 14 Faulkner Place, discussed his concern that there are existing run-off issues and the petitioner is seeking to increase the amount of pavement on the site. The Braintree Stormwater Division submitted a memorandum of comments regarding the revised plans dated March 19, 2019. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

The Board found that the existing building is nonconforming with regard to the front yard setback. In addition, The Board found that the existing use is a Forbidden Use in the Residential B Zoning District. The Board also found that the proposed alterations to the off-street parking area will not create any new zoning non-conformity. The Board further found that the existing property does not provide any means of stormwater management and the petitioner is seeking to significantly improve the property with regard to managing stormwater. In addition, Board found the proposed improvements will greatly reduce stormwater impacts the abutters as presented by Stenbeck & Taylor. As such, the Board found the proposed alterations/improvements to the lot would not be substantially more detrimental to the neighborhood than the existing use, lot and structure. The Board further found that the requested relief could be granted without nullifying or derogating from the purpose and intent of the zoning by-laws, and will be of benefit to the community.

On a motion duly made by and seconded, the Board unanimously (3-0) voted to grant
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; and
2.) As-built plan submitted to the Planning & Community Development Department upon completion of project.

2) Petition Number: 19-04
Petitioner: Robert McCarthy
RE: 22 Amherst Road

At the continued public hearing on April 22, 2019, Mr. McCarthy was joined by Attorney David Flanagan. Attorney Flanagan stated he wanted to first discuss the proposed new dwelling his client brought before the Board in March. Attorney Flanagan discussed the original proposal complies with all zoning regulations except for minimum lot area and lot width. He expressed the new proposed dwelling would meet all setback, height and coverage requirements. Also, the existing dwelling provides a rear deck that encroaches into the rear 30 ft. Open Space Buffer and is nonconforming with regard to the required rear yard setback. The deck would be removed as part of the new dwelling. In addition, Attorney Flanagan highlighted the proposed new dwelling is consistent with the immediate neighborhood as, based on assessing data, a number of adjacent homes provide 3,000 sq. ft. or more of living space. As far as a revised plan, which the Board requested at the March hearing, the plan would provide single family dwelling that is 4 ft. less in width than and offer a one car garage. Lastly, Attorney Flanagan noted that two abutters were at the hearing to support the project, in addition to a letter of support from Robert Rull of 111 Amherst Road.

Chairman Karl stated the revised plans, which depicted a new dwelling that is reduced by 4 ft. in width (from 49 ft. wide to 44 ft. wide), is really not much of a difference from the original plans. In addition, the two-car garage design is better than the one-car garage design. Mr. Ford reiterated that the petitioner was seeking to construct a new dwelling that provided 50% more building footprint than the existing building, on an undersized lot. He further added that this is part of his overall concern regarding new homes that could be characterized as "McMansions". Attorney Flanagan replied that the proposed dwelling is comparable, if not smaller than surrounding neighborhood homes. Mr. McDonough again noted that the petitioner had worked with staff to accommodate their comments with regard to reducing the height of the dwelling, in addition to pulling the proposed footprint closer to Amherst Road. He also acknowledged the petitioners attempt to reduce the size of the proposed dwelling. Chairman Karl stated the proposed new dwelling with the two-car garage will be comparable to the existing neighborhood and has abutter support. He did not feel the new dwelling would be substantially more detrimental to the neighborhood. Mr. McDonough concurred. Mr. Walker felt the proposed new dwelling was not a "McMansion" and would be consistent with the neighborhood. Mr. Sciascia agreed with Mr. Ford that the dwelling was large for the undersized lot, but did acknowledge a number of the dwellings are large and consistent with the proposed new dwelling.

The petitioner's existing lot is nonconforming, as it provides 8,103 sq. ft., where 15,000 sq. ft. is required and provides 80 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, 22 Amherst Road, Braintree, MA Parcel ID: 1098 0 33, Owner: McCarthy Family Trust", dated March 11, 2019 and prepared by James E. McGrath, PLS of Weymouth, MA. The petitioner also presented floor plans and elevations entitled, "Job No. 2018-0342", labeled, "Front Elevation", "Right/Left Elevation", "First Floor Plan", "Second Floor Plan", "Foundation Plan", "Second Floor Framing Plan", "First Floor Framing Plan", "Roof Framing Plan", and "Attic Framing Plan", undated and prepared by Walter A. McKinnon Associates, Inc. of Weymouth, MA. The petitioner also presented revised floor plans and elevations labeled, "Front Elevation", "First Floor Plan", and "Second Floor Plan", undated and prepared by Walter A. McKinnon Associates, Inc. of Weymouth, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation of a continuance. Robert Ruhl of 111 Amherst Road provided a letter of support for the proposed single family dwelling. Ms. Knowles of 10 Amherst Road expressed her support for the proposed new dwelling. Joseph Ho of 16 Amherst Road stated his support for the proposed new dwelling. 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 found the petitioners smaller, revised plans depicting a one-car garage was not as desirable as the original two-car garage submission. The Board also 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 voted (2-1) 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.

NEW BUSINESS:

1) Petition Number: 19-08
Petitioner: John Fouracre c/o Unisign
RE: 238-310 Grove Street

The Chairman read into record the legal advertisement: John Fouracre c/o Unisign, 99 Pleasant Street, Northborough, MA 01532 (Owner, TRT Braintree II LLC) for relief from Bylaw requirements under Chapter 135, Sections 135-407 and 904.1 to install an 84 sq. ft. illuminated “Crunch Fitness” wall sign; proposed wall sign exceeds the allowable sign height. The applicant seeks a variance and/or findings that the proposed sign will not be more detrimental to the neighborhood. The property is located at 238-310 Grove Street, Braintree, MA 02184 and is within a General Business District Zone, as shown on Assessors Map 1084, Plot 10 and contains a total land area of +/- 16.48 acres.
Sitting on this case for the Zoning Board of Appeals were: Michael Ford, Richard McDonough and Gary Walker; Stephen Sciascia, alternate.

The petitioner, John Fouracre, discussed the proposal is to provide signage for new tenant Crunch Fitness, which is occupying a portion of the former Home Goods space. The proposed signage exceeds the allowable wall sign height for wall signs in a General Business Zoning District. The proposed sign is 6 ft. in height and 4 ft. is the maximum allowable height. However, Mr. Fouracre noted the proposed signage was smaller in terms of total signage area than Home Goods. In addition, the proposed sign would be smaller than the shopping plaza’s tenant Stop and Shop. Stop and Shop’s wall sign is approximately 193.5 sq. ft. and has a height of 6 ft. 8 in. The wall sign received a Board relief in 2009.

The petitioners seek the following signage variances:

- **Variance from Section 135-904.1 (A)(5)(a):** The Braintree Zoning Bylaw states “No wall sign shall be more than four feet overall in height and a wall sign shall not exceed the lesser of 150 square feet or one square foot in area for each linear foot of frontage for each business.” The proposed front wall sign is 6 ft. in height. The proposed wall sign will be 84 sq. ft. and the linear frontage of the business is 110 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 added, if the proposed sign where scaled to meet the 4 ft. height maximum requirement, the viewing ability would be greatly compromised and a potential distraction to drives trying to locate the business. 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 states that communicating the new company identity is critical toward ensuring success of the company.

The petitioner presented signage plans entitled “CRUNCH FITNESS, 310 Grove Street, Braintree, MA”, “WALL MOUNTED LED CHANNEL LETTERS & SIGN BOX – 310 Grove St., Braintree, MA”, and “CRUNCH FITNESS, 310 Grove Street, PYLON REPLACEMENT SIGN FACES”, undated, and prepared by Serrato Signs.

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. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

The Board found that the proposed wall sign, when analyzed in relationship to the building, previous tenant signage and existing area signage, was appropriate in design, size and scale. With regard to reasons to grant the requested sign relief, the Board found the location of the business is set back significantly from Grove Street and provides a unique logo. In addition, the Board found that the petitioner had demonstrated the need for relief from the Zoning By-law as the proposed larger wall sign height is necessary to identify the 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 135-904.1, pursuant to Bylaw Section 135-407, in accordance with the plans submitted and the following condition:
3.) No sign illumination from 1am-6am, pursuant to Section 135-905;

2) **Petition Number: 19-09**  
**Petitioner: Foxrock 1500 Campus Realty LLC c/o Foxrock Properties**  
**RE: 1501 Washington Street**

The Chairman read into record the legal advertisement: Foxrock 1500 Campus Realty, LLC c/o Foxrock Properties, PO Box 690528, Quincy, MA 02269 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 609, 701 and Article VIII for parking relief associated with proposed use of existing 39,112 sq. ft. office building as a medical office building; site provides 162 off-street parking spaces and 261 off-street parking spaces are required. 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 1501 Washington Street, Braintree, MA 02184 and is within a Watershed Highway Business Zoning District, as shown on Assessors Map 1053, Plot 12C, and contains a land area of +/- 7.53 acres.

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

Attorney Frank Marinelli, representing the petitioner, appeared with Mark Pristawa from FoxRock Properties, and traffic engineer, Robert Woodland of Tetra Tech. Attorney Marinelli discussed the petitioner FoxRock Properties have developed a diverse portfolio of properties comprising over 2,000,000 square-feet of medical, office, and industrial space on the South Shore. In Braintree, FoxRock owns and has improved commercial properties located at 350 Granite Street and 55 Messina Drive. In 2018, FoxRock acquired 1501 Washington Street, along with 1505, 1515 and 1525 Washington Street FoxRock (known as Braintree Business Park). 1501 Washington Street is a +/- 7.53-acre property with a vacant 3-story office-style building that was approved circa 1987. Mr. Marinelli described the shape of the subject property as highly irregular. The property’s topography descends from south to north and is surrounded by the Braintree Municipal Golf Course to the north and west. To the south of the property, there are other commercial buildings owned by FoxRock in the Braintree Business Park. To the east of the property, the topography drops significantly. The Property is located in the Watershed Protection Overlay, which restricts the addition of impervious surface. As to soil conditions and topography, to the north and east there are wetland areas, a detention basin and topography that restricts the addition of impervious surface. Currently the property provides 164 off-street parking spaces. The office building has been vacant for over ten years. The Property is located in the Watershed Highway Business District (WHBD). Lastly, administrative and business offices, medical center/clinic are uses by right in the WHBD.

As for the proposed new use of 1501 Washington Street, Aspire Health Alliance proposes to occupy the entire building. Aspire Health Alliance is a non-profit organization provides behavioral health services to communities in the South Shore. Aspire currently operates nine locations in the South Shore and plans to consolidate most of its services currently provided at four of its locations in neighboring Quincy (500 Victory Road, 859 Willard Street, 8 Hancock Court and 460 Quincy Avenue) and relocate them to the site at 1501 Washington Street. The services planned to be relocated to the site include a mix of administrative office functions and a variety of client services. Third floor tenancy would commence November 1, 2019; second floor tenancy would commence on or before March 1, 2021; and first floor tenancy would commence on or before September 1, 2023. The breakdown of the proposed use of the building would provide 25,333 sq. ft. of general office space and 16,455 sq. ft. of medical center/clinic. As part of the proposed re-occupancy of the

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site building, the existing 164-space parking field will be re-paved and the parking spaces re-striped per current Town guidelines to include 161 parking spaces.

Robert Woodland of Tetra Tech provided the Board an overview of the parking demand based on the proposed 25,333 sq. ft. of general office space and 16,455 sq. ft. of medical office space. To estimate the peak parking demand for each use on site, industry-standard ITE average peak demand parking rates obtained from Parking Generation, 4th Edition (Institute of Transportation Engineers, 2010) for General Office Building and Medical-Dental Office Building were applied to the 25,333 sq. ft. of general office space and 16,455 sq. ft. of medical office space proposed at 1501 Washington Street. Applying ITE's average peak parking demand rates to the proposed uses indicates a total peak parking demand of 125 parked vehicles. As such, the proposed parking supply of 161 spaces can accommodate the estimated peak parking demand of 125 parked vehicles resulting in a parking surplus of 36 parking spaces. Furthermore, conservatively applying ITE’s 85th percentile peak parking demand rates for general and medical office uses indicates a peak parking demand 159 parked vehicles, which can also be accommodated within the proposed parking supply.

Mr. Woodland explained the parking demands for general office and medical office fluctuate throughout the day. To quantify the overall peak parking demand for the currently proposed uses at 1501 Washington Street, the ITE hourly parking demand for general office and medical office were applied to the average peak parking demand and 85th percentile peak parking demand rates based on data presented in ITE Parking Generation, 4th Edition. The projected hourly parking demand throughout the day based on ITE’s average peak parking demand rates and 85th percentile peak parking demand rates indicates that the combined peak parking demand for all uses on site will occur at approximately 10:00 a.m. when 100% of general office parking demand and 100% of medical office parking demand is expected (125 parked vehicles based on the average peak parking demand rates and 159 parked vehicles based on the 85th percentile peak parking demand rates) which can be accommodated in the proposed 161-space parking supply. The building will not be occupied on the weekends.

While the property will provide sufficient parking to meet demands, Mr. Woodland discussed the petitioner will also employ Transportation Demand Management (TDM) measures, to reduce the number of parked vehicles. Mr. Woodland highlighted the property provides convenient access to the MBTA 230 bus route, which has a stop at the corner of Braxton and Washington Streets. Additionally, the petitioner will provide a shuttle service between 1501 Washington Street and the MBTA's Red Line subway station in Braintree from 7 AM to 11 AM and 3 PM to 6 PM on weekdays. Furthermore, many of the proposed tenant's clients utilize public transportation at Aspire's existing locations in neighboring Quincy and are expected to continue using public transportation when Aspire's services are relocated to the site. However, to provide a conservative estimate of the projected parking demand for 1501 Washington Street, no credit for TDM measures was taken for possible further reductions in parking demands.

Chairman Karll did not have an issue with the requested parking variance and stated the petitioner has presented evidence that the supplied parking would be more than adequate. Mr. McDonough agreed. Mr. Sciascia expressed his concern with regard to the large deficiency between the required off-street parking and number of off-street parking spaces to be provided. He added the inability to meet the off-street parking requirement could adversely impact the area. Attorney Marinelli responded that, based upon Tetra-Tech’s analysis and report, the provided parking would be ample to meet the peak parking demands. In addition, the adjacent
MBTA bus route, shuttle program and fact that many of Aspire’s clients utilize public transportation actually reduce the demand for off-street parking.

A variance is required for relief from the minimum off-street parking requirements pursuant to Zoning Bylaw Section 135-806; the Bylaw requires a minimum of one (1) space per 250 sq. ft. for office use and a minimum of one (1) space per 150 sq. ft. for medical office use. The new tenant would provide 25,333 sq. ft. of general office space and 16,455 sq. ft. of medical office. As such, the proposed uses require a total of 212 off-street parking spaces (102 parking spaces for general office and 110 parking spaces for medical office use). The proposed site plan would provide 161 off-street parking spaces.

As grounds for the requested variance and relief, Attorney Marinelli noted the shape of the property is highly irregular. In addition, the property’s topography descends from south to north. As to soil conditions and topography, there is proximate wetland area, detention basin and/or topography that restrict the addition of impervious surface to accommodate more off-street parking. Furthermore, the petitioner states, unlike a typical “medical office” use which assumes patients visiting a site, over 60% of the proposed use of the building will be typical normal office uses. While Aspire will provide outpatient uses, one of the programs, the “Discovery Program”, almost 100% of the approximately 85 Discovery Program clients use public transportation and do not have private vehicles. Some of the other programs, the vast majority of clients reside in the community, in their homes, schools, etc., and receive services at these off-site locations. Furthermore, FoxRock will provide a shuttle service to/from the Braintree MBTA station from 7 a.m. to 11 a.m. and 3 p.m. to 6 p.m. Therefore, as the majority of parking will cater to typical office uses, the requested parking variance will not be detrimental to the neighborhood, and in fact, the services provided are critically important to the community and region.

The petitioner presented an existing site plans entitled "ALTA/NSPS LAND TITLE SURVEY, 1501-1525 WASHINGTON STREET aka 1501, 1505, 1515 and 1525 Braxton Street, Braintree, MA", sheets 1 and 4, dated August 14, 2018, and prepared by SMC of Braintree, MA. The petitioner presented a proposed site plans entitled "Site Development Plans, South Braintree Business", titled "Building 1501 Layout Plan", labeled C-1, dated April 8, 2019, and prepared by Tetra Tech of Marlborough, MA. The petitioner also presented a proposed site plans entitled "Site Development Plans, South Braintree Business", titled "Building 1501 Grading Plan", labeled C-2, dated April 8, 2019, and prepared by Tetra Tech of Marlborough, MA. The petitioner also presented a proposed site plans entitled "Site Development Plans, South Braintree Business", titled "Detail Sheet", labeled C-3, dated April 8, 2019, and prepared by Tetra Tech of Marlborough, MA. The petitioner presented proposed floor plans entitled "Braintree Business Park, 1501 Washington Street, Braintree, MA 02184", sheet title "Occupancy Calculations", labeled XX.102, dated March 25, 2019, and prepared by Helicon of Boston, MA. Lastly, a parking analysis, entitled "Parking Analysis South Braintree Business Park – 1501 Washington Street Braintree, MA", dated April 8, 2019 (the “Parking Analysis”), and prepared by Tetra Tech (“TT”) of Marlborough, MA; and a plan dated April 19, 2019, prepared by Helicon of Boston, MA, which shows the square footage referenced in the first attachment of the Parking Analysis: 19,569 sq. ft. of general office space; 13,619 sq. ft. of medical office space; and 8,600 sq. ft. of common space.

The Planning Board submitted a recommendation to endorse the staff recommendation of No Recommendation. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.
Findings

The Board found that the petitioner had substantiated a hardship owing to the shape and topography of the lot. Specifically, the Board found that the juxtaposition of adjacent wetlands, steep, sloping topography, and Town of Braintree municipal golf course surrounding the development site is a condition unique to the site and beyond the control of the property owner. The Board found the proposed 161 off-street parking spaces serving the 25,333 sq. ft. of general office space and 16,455 sq. ft. of medical office. In fact, the Board found the submitted data and parking analysis study depict the supplied parking will exceed the peak demand for parking at the proposed development project. Furthermore, the Board found the petitioner had demonstrated that many of the clients will either be handled off-site, utilize public transportation or the provided shuttle to access services and therefore the parking demand shall be even less than depicted. Finally, the Board found that the requested relief could be granted without detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-law.

Decision

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested variance from the off-street parking requirements, pursuant to Bylaw Section 135-407, in accordance with the plans submitted.

3) Petition Number: 19-10
Petitioner: David W. Southwick
RE: 30 Morrison Road

The Chairman read into record the legal advertisement: David W. Southwick, 39 Arnold Street, Quincy, MA 02184 (Owner: Anthony & Lisa Luneau) for relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to raise existing rear detached garage, rear enclosed porch and side deck and construct two-story rear addition (additional 136 sq. ft. building footprint) at 30 Morrison Road; proposed project would intensify pre-existing nonconforming side and rear yard setbacks and is pre-existing nonconforming with regard to lot area, width, depth, side/front/rear yard setbacks and accessory structure (garage) setback. The applicant seeks a permit, variance and/or finding that the proposed project will not be more detrimental to the neighborhood. The property is located at 30 Morrison Road, Braintree, MA 02184 and is within a Residence B Zoning District, as shown on Assessors Map 2077, Plot 33 and contains a total land area of +/- 3,664 sq. ft.

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

David Southwick, the property owner's contractor, explained the property owners are seeking to provide more living space for their family. As such, they are seeking to raise an existing detached single car garage, rear three season porch and side deck and construct a two-story rear addition. A single story, attached single car garage is also proposed. The proposed additions will increase the building footprint by approximately 136 sq. ft. The dwelling was built in 1928 and contains +/- 1,492 sq. ft. of finished space, with a +/- 959 sq. ft. building footprint. As far as the proposed improvements, a new family room would be provided on the first floor. The second floor would provide a new master suite. Mr. Southwick described the existing dwelling provides one bathroom and the detached garage is in poor structural shape. Furthermore, the petitioner stated the nonconforming side yard setback will be improved from
2.1 ft. to 6.9 ft. as the side yard deck will be removed. Lastly, the new garage will be slightly closer to the rear lot line, decreasing from 2.6 ft. to 2.3 ft.

Mr. Ford asked the petitioner if they had support from any abutters. Ms. Luneau stated she had spoken with the abutters and they did not have any issues. Mr. Ford added the project provides a lot of living space on such a small lot. Mr. Karl discussed he had visited the subject property and that the immediate area was very dense. As such, he felt the additional living space and improvements were not out of character with the neighborhood and would be well designed. Mr. Walker did not have an issue with the project. Mr. Sciascia stated he appreciated that the project did not involve living space over the new garage, which he would not support.

The petitioner’s existing lot is nonconforming, as it contains only 3,664 sq. ft., where 15,000 sq. ft. is required, provides 50 ft. of lot width, where 100 ft. is required, and provides 75 ft. of lot depth, where 100 ft. is required. The petitioner’s existing single family dwelling is nonconforming as to the front yard setback; the dwelling is located 12.12 and 17.3 ft. from the front yard lot lines (corner lot), while the Zoning Bylaw requires a front yard setback of 20 ft. The petitioner’s existing single family dwelling is nonconforming as to the side yard setback; the dwelling (via deck) is located 2.1 ft. from the side yard setback, while the Zoning Bylaw requires a side yard setback of 10 ft. The petitioner’s existing single family dwelling is also nonconforming as to the rear yard setback; the dwelling is located 25.9 ft. from the rear yard lot line, while the Zoning Bylaw requires a rear yard setback of 30 ft. Furthermore, the existing detached garage is located 2.6 ft. from the rear/side yard lot, while the Zoning Bylaw requires an accessory structure setback of 5 ft.

The proposed project will involve demolition of the existing detached garage and therefore remove the existing nonconformity. In addition, the side yard nonconformity will be improved due to the removal of a side yard deck, but not meet the side yard setback of 10 ft. Lastly, the proposed rear addition will intensify the pre-existing rear yard nonconformity from 25.9 ft. to 2.3 ft. However, the proposed project will not create any new zoning nonconformity. Accordingly, a finding is required pursuant to M.G.L. Chapter 40A, Section 6.

As grounds for the finding, the Mr. Southwick stated the side yard addition nonconformity will be improved, but the rear yard setback will be increased. However, the proposed project will not generate any new zoning nonconformity. Furthermore, the petitioner noted the addition will be similar to the existing neighborhood characteristics and not be more detrimental to the neighborhood. Lastly, Ms. Luneau stated they have support of the immediate rear abutter.

The applicant presented an existing site plan entitled "Plot Plan, 30 Morrison Road, Braintree, MA 02184", dated April 7, 2018, and prepared by the Land Mapping, Inc. of South Boston, MA. The applicant also presented a proposed site plan entitled "Proposed Addition, 30 Morrison Road, Braintree, MA 02184", dated March 7, 2019, and prepared by the Land Mapping, Inc. of South Boston, MA. The applicant also presented floor plans and architectural renderings entitled "30 Morrison Road, Braintree, MA 02184", labeled E-101, E-301, E-302, E-303, E-304, A-101, A-102, A-301, A-302, A-303 and A-304, dated October 11, 2019 and preparer unknown.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval with conditions: 1.) Provide evidence of abutter support; 2.) Any changes to the approved plans will require ZBA approval; 3.) Certified foundation plan submitted to the Planning & Community Development Department prior to vertical construction; and 4.) As-built
plan submitted 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, width and depth, as noted above. The Board found that the existing dwelling is pre-existing nonconforming in terms of the front, side, rear yard and accessory structure setbacks. The Board also found that the proposed additions will not create any new zoning non-conformity. The Board further found that the proposed addition will be designed appropriately and be comparable in size relative to the existing housing stock. Lastly, the Board found there was no opposition to the proposed project. As such, the Board found the proposed addition 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.) Certified foundation plan submitted to the Planning & Community Development Department prior to vertical construction; and
3.) As-built plan submitted to the Planning & Community Development Department prior to issuance of a Certificate of Occupancy.

4) Petition Number: 19-11
Petitioner: Katie Dusseault c/o Walton Signage
RE: 200-550 Grossman Drive

The Chairman read into record the legal advertisement: Katie Dusseault c/o Walton Signage, 10101 Reunion Place, Suite 500, San Antonio, TX 78216 (owner of 450 Grossman Drive: 450 GD, LLC) for relief from Bylaw requirements under Chapter 135, Sections 407 and 904.2 to install 379.8 sq. ft. illuminated wall sign and 49 sq. ft. ground sign panel for tenant PGA Warehouse (450 Grossman Drive); proposed wall sign exceeds the allowable sign height and sign area. The applicant seeks a permit, variance and/or finding that the proposed signage is not more detrimental to the neighborhood. The property is located at 200-550 Grossman Drive, Braintree, MA 02184 and is within a Highway Business District Zone, as shown on Assessors Map 2019, Plot 4-1, and contains a land area of +/- 34.36 acres.

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

The petitioner, Katie Dusseault of Walton Signage, discussed the proposal is to provide signage for new tenant PGA Warehouse, which will fill the retail space formerly occupied by Babies R Us. The proposed signage exceeds the allowable total sign area and maximum wall sign height in a Highway Business Zoning District. The proposed sign is 8’11” in height and 379.8 sq. ft. of total sign area. Ms. Dusseault discussed the previous tenant, Babies R Us provided signage that was 5 ft. in height and 351 sq. ft. in total wall sign area. In addition, while the proposed signage exceeds the allowable height, the "PGA logo" will seem smaller as the blue color will be the same as the blue color of the front façade. Furthermore, the petitioner highlighted there are a number of signs that exceed the signage requirements at Grossman Drive Marketplace. As such, Ms. Dusseault added the proposed signage will be consistent with
prior variances granted for the tenants at the Grossman Drive Marketplace to exceed the allowable height and total square footage of wall signs.

Mr. Karll asked if the petitioners if they would consider scaling the proposed signage down to 6.5 ft. The petitioner replied that scaling the signage down would be out of scale with the large front façade and limit the ability for the traveling public to identify the “PGA logo” from a distance. In addition, the proposed size is consistent with the brand identity. Mr. Ford and Mr. Walker stated the proposed signage was similar in height and size as compared to current tenants at the Grossman Drive Marketplace.

The petitioners seek the following signage variances:

- **Variance from Section 135-904.2 (A)(5)(a):** The Braintree Zoning Bylaw states “No wall sign shall exceed 150 square feet.” The proposed wall sign is 379.8 sq. ft. The building frontage provides approximately 180 ft. of linear frontage.

- **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 height of the proposed wall sign is 8’11” (due to “PGA Tour” Logo). The proposed letter height is 45.5” (one row). There are two rows of lettering totaling approximately 6 ft. in height.

- **Variance from Section 135-904.2 (A)(5)(c):** The Braintree Zoning Bylaw states “No wall sign shall be visible to the major highway, if a ground sign has been permitted.” The petitioner is proposing a tenant panel on the existing site’s ground sign. In this case, both the ground sign facing Route 3 and the proposed wall sign on the front of the building will be visible to the Route 3 (major highway).

- **Variance from Section 135-904.2 (A)(5)(e):** The Braintree Zoning Bylaw states “Sign area is further limited to one square foot of signage per linear foot of frontage. Said frontage shall be the linear feet of the building which faces the access roadway.” The linear frontage is 180 ft. The aggregate of all proposed wall signs is 379.8 sq. ft.

As grounds for the variances, the petitioner noted the subject building is located 277 ft. from the roadway. Also, the larger sign would allow for the store name to be seen clearly from the parking lot perimeter of the Marketplace. Due to the amount of letters in the subject company’s brand, the larger letter set would allow for patrons to visibly read the store name in its entirety. Furthermore, the petitioner states that communicating the new company identity is critical toward ensuring success of the company.

The petitioner presented signage plans entitled “SITE PLAN”, “EXTERIOR FACE-LIT CHANNEL LETTERS & LOGO”, and “REPLACEMENT D/F MONUMENT SIGN TENANT PANELS”, Sheets 1 thru 4, dated February 5, 2019, and prepared by Walton Signage of San Antonio, TX.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval with conditions: 1.) Front wall sign to not exceed 6.5 ft. in height (height of two rows proposed lettering); and 2.) No sign illumination from 1am-6am, pursuant to Section 135-905. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.
The Board found that the proposed signage, when analyzed in relationship to the building, previous tenant signage, and surrounding area signage, is appropriate in design, size and scale. The Board found the location of the retail store is setback significantly from the highway and access roadway. 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 location of the business and for the traveling public to be safely directed to the businesses. Lastly, the Board found that the wall sign would be well designed, appropriate in terms of size and consistent with the architectural style of the existing building. 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 conditions:

4.) No sign illumination from 1am-6am, pursuant to Section 135-905;

5) Petition Number: 19-12
Petitioner: EIP Campanelli Parkway LLC
RE: 175 Campanelli Drive

The Chairman read into record the legal advertisement: EIP Campanelli Parkway LLC, 20 Pickering Street, 2nd Floor, Needham, MA 02492 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 609 and 701 to construct a new handicap entry, new utilities, electric transformers, silo and other appurtenant site development features that would increase pre-existing nonconforming building coverage; building/site is pre-existing nonconforming as to the front/rear yard setbacks and building/lot coverages. 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 175 Campanelli Drive, Braintree, MA 02184 and is within a Watershed Commercial Zoning District, as shown on Assessors Map 1034, Plot 01, and contains a land area of +/- 24.3 acres.

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

David Kelly of Kelly Engineering Group, Inc., representing the petitioner, discussed the 20.8 ± acre subject property is improved by a vacant warehouse and distribution facility, which previously housed United Liquors. The building was constructed circa 1968 and contains +/- 438,000 sq. ft. The lot is accessed via the end of Campanelli Drive. The existing property provides 514 off-street parking spaces. However, Mr. Kelly noted that not all of the property is striped and therefore there is capacity for far more off-street parking. The lot is located in a Watershed Commercial Zoning District. Lastly, the Farm River is located north and northwest of the property. A portion of the existing site is located within the Flood Plain.

Mr. Kelly stated the proposed project involves improvements to the site to accommodate new tenant Fire King Baking Company. Fire King recently received a building permit for an internal fit-out. The new tenant occupies 190,000 sq. ft. at the northern end of the building. Amazon was approved for a Special Permit by the Planning Board to occupy the remaining 248,000 sq. ft. in 2018. However, the Special Permit has been appealed and therefore the Amazon project is on hold. As part of the Fire King project, a new handicap entry, new utilities, electric transformers and other appurtenant site development features are needed. The
property will provide sufficient parking for the proposed use. Additionally the tenant, a bakery, requires a silo on the north side of the building. The proposed footprint of the silos are +/- 800 sq. ft. In addition, a small amount of additional landscaped area is proposed. Concurrently, a special permit application has been filed with the Planning Board and a Notice of Intent has been filed with the Town of Braintree Conservation Commission to allow work in the flood plain.

Mr. Kelly discussed with the Board that the building inspector has determined that the silo(s)/area must be included in the calculation of building coverage. As a result, there would be a minimal increase in the pre-existing nonconforming building coverage due to the silos, which requires a variance from the Board.

Mr. Kelly highlighted an apparent discrepancy between the plans filed connection with the variance application and those on record with the special permit for the Amazon occupancy of the property. Mr. Kelly stated the plans on the behalf of Fire King depict a total lot area of approximately 1,058,098 sq. ft. The Amazon Plans show an area of approximately 1,065,094 sq. ft. The reason for the apparent discrepancy relates to the northerly and north westerly boundary of the property which is an approximate line bounded by the river. The difference is accounted for by the interpretation of that river boundary. The two areas based on standard survey principles are substantially the same.

Chairman Karll did not have an issue with the requested relief as it can be considered de Minimis. Mr. McDonough agreed. Mr. Walker agreed and highlighted the petitioner is an important business for the Town and the business has experienced significant growth. In addition, Mr. Walker stated Fire King would internalize the silos if possible, but they must be located outside the building.

The petitioner’s existing building is nonconforming as to the front yard setback; the building is located 26 ft. from the front yard lot line, were a front yard setback of 35 ft. is required. Secondly, the petitioner’s existing building is nonconforming as to the maximum lot coverage requirement; the lot coverage is 90% of the existing property, while a maximum of 90% is allowed. The proposed improvement as part of the project will decrease the lot coverage to 89.3%, but still not meet the maximum lot coverage requirement. Therefore, a finding pursuant to Braintree Bylaw Section 135-403 and M.G.L. Chapter 40A, Section 6 is required.

As far as the need for a variance, the proposed site improvements/structures will increase the pre-existing nonconforming building coverage requirement, but not meet the current zoning requirement. The existing building coverage is 41.4% and will be increased due to the +/- 800 sq. ft. silos, where the maximum building coverage allowed is 25%. Therefore a variance is required pursuant to Section 135-407.

As grounds for the requested variance and relief, the petitioner notes the property is bordered on the north and west by the Farm River and its associated wetlands and flood plain. The limits of the development are constrained by the river and wetlands. The shape of the lot which is long and narrow, is unique. The unique topography and soils conditions result in the wetlands areas extending to the limit of current development. Mr. Kelly added the proposed silos cannot be installed within the building and therefore their construction, outside of the building, above the flood plain is integral to the operation of the facility and will result in an increase of the existing building coverage. Not granting the proposed minor relief will result in a substantial hardship to the applicant preventing the operation of the building by the tenant, a bakery, which is reliant on the silos for their operations. The proposed minor relief will allow the
proposed use, an allowed use in the bylaw, to operate on the property. The silos, which are located on the north side of the building, because of their location, are not visible from any other property and will not result in a detriment to the public good or nullification of the bylaw. The installation of the silos will allow Fire King Bakery to operate in the facility and continue their multimillion dollar investment in the property and the town.

The petitioner presented site plans entitled "FIREKING, 175 CAMPANELLI DRIVE, BRAintree, MA-PLANS TO ACCOMPANY ZBA (EXISTING CONDITIONS PLAN)", sheets 1 thru 3, dated April 19, 2019, and prepared by Kelly Engineering Group, Inc. of Braintree, MA. The petitioner also presented site plans entitled "SITE DEVELOPMENT PLANS for 175 Campanelli Drive, Braintree, MA", sheets 1 thru 5, dated November 6, 2018, revised on March 22, 2019 and prepared by Kelly Engineering Group, Inc. of Braintree, MA. Lastly, the petitioner presented site plans entitled "FIREKING, 175 CAMPANELLI DRIVE, BRAINTREE, MA-PLANS TO ACCOMPANY ZBA (EXISTING CONDITIONS PLAN)", sheets 1 thru 3, dated March 14, 2019, and prepared by Kelly Engineering Group, Inc. of Braintree, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation of No Recommendation. No one else at the Zoning Board of Appeals spoke in favor of or opposition to the petition.

The Board found that the existing building is nonconforming with regard to the front yard setback. The Board also found that the existing building/site is nonconforming with regard to building and lot coverages. The Board found that the petitioner had substantiated a hardship owing to the shape and topography of the lot. Specifically, the Board found that the combination of the extremely uniquely shaped lot, in addition to the adjacent wetlands surrounding the property is a condition unique to the site and beyond the control of the property owner. The Board found the proposed increase in building coverage by +/- 800 sq. ft. was minimal in comparison to the 438,000 sq. ft. building. Furthermore, the Board found that the petitioner would slightly decrease the existing nonconformity lot coverage due to landscaping improvements as part of the project. Finally, the Board found that the requested relief could be granted without detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-law.

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested finding and variance from the building coverage requirements, pursuant to Bylaw Section 135-407, in accordance with the plans submitted.

APPROVAL OF MINUTES:

On a motion made and seconded, the Board voted 5-0 to accept the March 25, 2019 meeting minutes.

The Board adjourned the meeting at 10:00 pm.