



BOARD OF APPEAL UNDER THE ZONING BY - LAW BRAintree, MASSACHUSETTS

AGENDA JULY 23, 2013

The following petition will be heard by the Zoning Board of Appeal on Tuesday, July 23, 2013 at 7:00 P.M. at Town Hall, (Cahill Auditorium, First Floor), One JFK Memorial Drive, Braintree, Massachusetts 02184.

APPROVAL OF MINUTES:

Acceptance of minutes of Appeals Board Hearing July 2, 2013 (rescheduled from June 25, 2013).

OLD BUSINESS

#13-06 7-11 Independence Avenue

Thomas Fitzgerald, 115 Park Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701, 705, 806 & 809 to build a five story building to contain thirty-six (36) dwelling units with an underground parking garage to contain seventy-two parking spaces. 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 7-11 Independence Avenue, Braintree, MA 02184 and is within a General Business Zoning District, as shown on Assessors Map 2068, Plots 18, 21 & 22 and contains a land area of +/-26,779 sq. ft.

NEW PETITIONS

#13-19 90 Newton Avenue

Attorney Carl R. Johnson III, representing owner Audrey M. Kustka, for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 minimum lot size for both Plot 43 and 42 to re-divide the property at 90 Newton Avenue so that Plot 43 contains 11,000 sq. ft. and Plot 42 contains 5500 sq. ft. The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 90 Newton Avenue, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 3052, Plot 43 and Plot 42 and contains a land area of +/-16,500 sq. ft.

#13-20 34 Baker Avenue

Kevin Jameson, 34 Baker Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 to extend sunroom by 7.1 feet, and change it into a 3-season room, keeping in line with existing structure. Also, to construct a 12' X 14' deck off the new sunroom/3-season room. The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 34 Baker Avenue, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 3027, Plot 2P and contains a land area of +/-12,500 sq. ft.

- #13-21 46 Elliot Street**
Mark Vakhovsky, 46 Elliot Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 to subdivide 46 Elliot Street into two Lots, Lot 1A to contain 12,205 sq. ft. and maintain existing dwelling; Lot 1B to contain 10,010 sq. ft. to be used for future development. Lot area and lot width relief for both lots requested. The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 46 Elliot Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 3020, Plot 67A, and contains a land area of +/-22,215 sq. ft.
- #13-22 85 Cotton Avenue**
David M. Litif, 85 Cotton Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 to square off existing first floor with three (3) proposed additions. Construct second floor addition for additional living space. The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 85 Cotton Avenue, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 3052, Plot 29, and contains a land area of +/-4,684 sq. ft.
- #13-23 121 Pearl Street**
Nicole Pretorius, Pretorius Electric & Sign Co., representing Michaels Stores, Inc. and owner F.X. Messina Enterprises for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 904.2(A)(5)a,b,e & g for a wall sign (21'- 3" X 7'- 10") The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 121 Pearl Street, Braintree, MA 02184 and is within a Highway Business District Zone as shown on Assessors Map 1030, Plot 9, and contains a land area of +/-5.71 acres.
- #13-24 31 Gale Avenue**
Susan P. Smith, 31 Gale Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 to build an addition (12' X 44.5') on the rear of house to provide a handicap accessible living space that is easily entered from the driveway. The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 31 Gale Avenue, Braintree, MA 02184 and is within a Residential B District Watershed Zone, as shown on Assessors Map #2083, Plot 01, and contains a land area of +/-13,546 sq. ft.
- #13-25 30 Forbes Road (part of 20-60 Forbes Road redevelopment)**
Edward Mitchell, Director of Design & Construction, Legal Sea Foods, LLC, One Seafood Way, Boston, MA 02210 representing owner Karma Trustee LLC for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 904.2(A)(5)a; 904.2(A)(5)g; 904.2(A)(5)b; 904.2(A)(1)a to place "Legal Sea Foods" (54'- 4" X 4' - 0") illuminated letters (easterly facing), company logo/sign (northerly facing) (6'-10" X 4'-5"), and change of ground sign panel (12'-2" X 2'-4") from "Braintree" to "Legal Sea Foods" (on ground sign located at southeasterly corner of site). The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 30 Forbes Road, Braintree, MA 02184 and is within a Highway Business District Zone, as shown on Assessors Map 2043, Plots 1 and 1A, and contains a land area of +/-10 acres.
- #13-26 30 Forbes Road, Suite J (part of 20-60 Forbes Road hotel & retail complex)**

Stephen Marcus, Manager, Now Ventures Scoop Shops LLC d/b/a Ben & Jerry's South Shore Place, 841 Worcester St., Natick, MA 01760 representing owner Karma Trustee, LLC, 20 University Road, Charles Square, Cambridge, MA 02138 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 904.2(A) (5) g, 904.2(A) (7)a to place a secondary 14 sq. ft. wall sign for Suite J; secondary wall sign (1'-4" X 10'-2") faces vehicular access road (serving hotel and office building) and, pedestrian walk(s)/staircase(s). Applicant also seeks relief from 20% window limitation in order to permit "Woody Murals". The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 30 Forbes Road, Braintree, MA 02184 and is within a Highway Business District Zone, as shown on Assessors Map 2043, Plots 1 and 1A, and contains a land area of +/-10 acres.

#13-27

96 Conrad Street

Gabriel and Irma Spadorcia, 96 Conrad Street, Braintree, MA 02184, for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 to build (33'X21') in-law addition to be added to back of existing house with master bedroom over garage. The first floor will consist of one room. The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 96 Conrad Street, Braintree, MA 02184 and is within a Residential B District Zone as shown on Assessors Map 2072, Plot 046, and contains a land area of +/-8,814 sq. ft.

OTHER BUSINESS