



BOARD OF APPEAL UNDER THE ZONING BY - LAW
BRAintree, MASSACHUSETTS
AGENDA
NOVEMBER 26, 2013

The following petitions will be heard by the Zoning Board of Appeal on Tuesday, November 26, 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 October 22, 2013.

OLD BUSINESS

- #13-38 50 Hickory Road**
- #13-39 727 Granite Street**
- #13-40 1486 Liberty Street**

NEW PETITIONS

- #13-43 6 Sunset Road**
Francesco and Karen J. Montillo, 6 Sunset Road, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Section 135-403, 407, 701 for setback for free standing garage. The applicant seeks a permit, variance, and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 6 Sunset Road, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 1041, Plot 020, and contains a land area of +/-18,100 sq. ft.

- #13-44 38 Myrtle Street**
Matthew McIntyre, 2 Spruce Street, Braintree, MA 02184, Christine McIntyre, 2 Spruce Street, Braintree, MA 02184, Joseph Murphy, 37 Myrtle Street, Braintree, MA 02184, Jane Murphy, 37 Myrtle Street, Braintree, MA 02184, Tony Monaco, 86 Middle Street, Braintree, MA 02184, Melissa Monaco, 86 Middle Street, Braintree, MA 02184, Cynthia J. Manganello, 23 Vine Street, Braintree, MA 02184, for interpretation by the Zoning Board of Appeal under Town Zoning Bylaws, Chapter 11, Section 135-202. Specifically that the actions of the Building Inspector in issuing building permit B13-735 for the construction of a Single Family Dwelling at 38 Myrtle Street violates the requirements of the Town Zoning Bylaws under Article VII, Section 701. The applicants contended that the variance issued for the subject property lapsed and as such the property is in violation of the Town Zoning Bylaws in terms of lot area and width. The applicants seek the revocation of the building permit. The property is located at 38 Myrtle Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 2001, Plot 9A, and contains a land area of +/-6,608 sq. ft.

- #13-45 209 Washington Street**
Theresa M. Lento and Neil Shay, 209 Washington Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 to legitimize

construction of 12.5 ft. X 16.5 ft. shed. The applicant seeks a permit, variance, and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 209 Washington Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 2062, Plot 18, and contains a land area of +/-6,554 sq. ft.

#13-46

126 Celia Road

Don Nguyen a/k/a Dung Ngoc Nguyen, 126 Celia Road, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Section 135-403, 407, 701 to build a 24 ft. X 24 ft. two-car garage to the left of the dwelling which will be 4.9 ft. to the lot line at the front part of the garage and 1.9 ft. to the lot line at the back of the garage. There is a 25-30 ft. buffer zone from the lot line to the tree fence at South Middle School back field. The applicant seeks a permit, variance, and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 126 Celia Road, Braintree, MA and is within a Residential B District Zone, as shown on Assessors Map 1126, Plot 35, and contains a land area of +/-16,694 sq. ft.

#13-47

52-60 Pearl Street, 0 Randall Avenue (unnumbered parcel) and 30 Randall Avenue

William F. Frazier, Trustee Sunset Realty Trust, c/o 60 Pearl Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Section 135-403, 407, 701 to redevelop the existing building by adding a two story addition. The proposed use of the building will be for 20 residential apartments along with the existing retail space and two offices. Accessory and ancillary lots will be used for off street parking for both residential and commercial uses totaling thirty-four spaces. The applicant seeks a permit, variance, and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 52-60 Pearl Street, 0 Randall Avenue (unnumbered parcel) and 30 Randall Avenue, Braintree, MA 02184 and is within a General Highway Business District Zone, as shown on Assessors Map 1006, Plots 36, 37, 40, and 41, and containing a land area of +/-24,900 sq. ft.

#13-48

71 Arborway Drive

Sean Martin, 71 Arborway Drive, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 to subdivide current lot of 11,440 sq. ft. into two lots and to construct a new 50 ft. X 27.7 ft. single family structure on new lot. The applicant seeks a permit, variance, and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 71 Arborway Drive, Braintree, MA 02184 and is within a Residential B District Zone as shown on Assessors Map 3038, Plot 0-5, and contains a land area of +/-11,440 sq. ft.

#13-49

747 Granite Street (Entire Granite Plaza is 695-787 Granite Street)

Brian Kablik, Planet Fitness, 166 Grove Street, Franklin, MA 02038, representing owner FX Messina Enterprises/Granite Plaza LLC, 400 Franklin Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Section 135-403, 407, 904.2(A)(5)(a)(b)(e)(g) from maximum sign height of 48 in. Total square footage of proposed sign is under maximum allowed by code (93 ft. of store frontage equals 93 sq. ft., proposed sign is 89.78 sq. ft.). Due to configuration of façade, the typical linear layout is not feasible. The applicant seeks a permit, variance, and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 747 Granite Street, Braintree, MA 02184 and is within a Highway Business District Zone, as shown on Assessors Map #2048, Plot 032, and Assessors Map #1032, Plots 2M, 2H, 1, 1G, 1M, 1I, 1L, 1H, containing a land area of +/-13.13 acres.

#13-50

36 Frederick Road

David St. Germain, 290 Union Street, Braintree, MA 02184 representing Ann Marie Redmond, 36 Frederick Road, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Section 135-403, 407, 701 to construct a 16 ft. X 18 ft. three-season room on existing deck. The applicant seeks a permit, variance, and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 36 Frederick Road, Braintree, MA 02184 and is within a

Residential B District Zone, as shown on Assessors Map 1009, Plot 5, and contains a land area of +/-3,996 sq. ft.

#13-51

50 Hickory Road

Richard T. Gallagher, Jr. and Cathy Sloan-Gallagher for relief from Bylaw requirements under Chapter 135, Section 135-403, 407, 701 for 17 ft. X 12 ft. deck. The applicant seeks a permit, variance, and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 50 Hickory Road, Braintree, MA 02184 and is within a Residential B District Zone, as shown on assessors Map #1105, Plot 39, and contains a land area of +/-7,500 sq. ft.

OTHER BUSINESS: