



Department of Municipal Licenses and Inspections

Zoning Board of Appeals

1 JFK Memorial Drive – Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

Meeting Minutes

February 24, 2015

IN ATTENDANCE: Stephen Karll, Chairman
Richard McDonough, Member
Michael Ford, Member

ALSO PRESENT: Russell Forsberg, Inspector of Buildings
Peter Morin, Town Solicitor

Mr. Karll called the meeting to order at 7:00pm.

NEW BUSINESS:

- 1) **Petition Number: 15-3**
Petitioner: Patricia A. Folta of Signature Signs
RE: 80 Independence Avenue

Present: Bob Chrisafulli of Signature Sign

This is a petition filed by Patricia Fiolta of 36 Finnell Drive Weymouth, MA regarding property owned by the Roman Catholic Archdiocese of Boston at 80 Independence Avenue Braintree, MA. The petitioner is seeking relief from Bylaw requirements under Chapter 135 Sections 403, 407 and 904 2A (1)(6)(d)(g) that will allow him to replace an existing sign with a freestanding full color digital board. The property is located within a Residence B District Zone as shown on Assessors Map 2068 Plot 45.

Notice

Pursuant to notice duly published in a newspaper in general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was scheduled on February 24, 2015 before the Zoning Board of Appeals. Sitting on this petition was Chairman, Steve Karll, and members Michael Ford and Richard McDonough.

Evidence

The petitioner was represented by Bob Chrisafulli of Signature Sign, who explained the property owner sought to upgrade the sign for an improved appearance and less maintenance. The proposed sign would be 6 feet in overall height and a total sign area of 18 square feet.. The size complies with the bylaw and will be set 10 feet

back from the street, half of the required set back in the zoning district. This would be the third sign indicating the name of the school, the bylaw only allows two. The petitioner noted that one of the three signs distinguished administrative offices from the school.

By a vote of 3-0-0, the Planning Board recommended favorable action on the requested variance, concluding the new sign would improve upon the existing one.

Dennis Duggan, president of Archbishop Williams and Robert O'Leary spoke in favor of the petition. No one spoke in opposition to the petition and the public hearing was closed.

Findings

The Board found that relief could be granted based on the unique shape and size of the lot and the sign would not be substantially more detrimental to the neighborhood and relief could be granted without nullifying the intent or purpose of the Zoning Bylaw.

Decision

On a motion made by Mr. McDonough and seconded by Mr. Ford, it was unanimously voted to provide the requested relief.

- 2) **Petition Number: 15-4**
Petitioner: Kathleen Ready of Signature Signs
RE: 727 Granite Street

Present: Bob Chrisafulli of Signature Signs

This is a petition filed by Signature Signs of 36 Finnell Drive , Weymouth MA. The petitioner seeks relief from the Zoning By-law requirements under Chapter 135, Section, 403, 407 and 904.2.

Notice

Pursuant to notice duly published in a newspaper in general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was scheduled for February 24, 2015, at 7:00 p.m. at One JFK Memorial Drive Braintree, MA. All abutters and abutters to the abutters were notified of the rescheduled hearing. Sitting on this petition was Chairman, Steve Karll, and members Michael Ford and Richard McDonough.

Evidence

The petition was presented by Bob Chrisafulli of Signature Signs. The property is currently within a Highway Business Zone as recorded on Assessors' Plan 2048 Plot 32. The premises operate as a retail shopping mall.

The petitioner seeks to install an aluminum sign with Black Halo Lit letters. The backer panel will be 17 inches high and 120 inches wide. The capital letters will be 12 inches high and the small letters 10 inches. The sign will be affixed to a stone wall at the entrance to the mall. The proposed sign violates the zoning ordinance as there are already two ground signs and this would be the third. The bylaw allows one ground sign.

By a vote of 3-0-0, the Planning Board recommended unfavorable action on the petition. They cited the location lacked a cohesive sign plan and although this sign was an improvement it would not result in a better sign plan.

There was no opposition to the petition.

Findings

The Board found that the petitioner had demonstrated the need for relief from the Zoning By-law. The Board concluded that the proposed sign is not substantially more detrimental to the neighborhood than the existing condition of the mall and that relief could be granted without denigrating or nullifying the intent or purpose of the Zoning Bylaw. The Board found that the lot shape and the location provided a basis for the requested relief

Decision

On motion made by Mr. Ford and seconded by Mr. McDonough, it was unanimously voted 3-0 to grant the requested relief, subject to the plans presented.

- 3) **Petition Number 15-5**
Petitioner: Steven AuCoin
RE: 77 Brewster Avenue

Present: Stephen AuCoin, petitioner

This is a petition filed by AuCoin Construction, owners of the property located at 77 Brewster Avenue, Braintree, MA regarding the same property, in which the applicant is seeking relief from the Town of Braintree Zoning Bylaws 135 Sections 402, 403 and 701. The applicant seek to demolish an existing single family residence on a pre-existing nonconforming lot and replace it with a new single family residence that will exceed the maximum lot coverage and not meet the front yard setback. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located within a Residence B Watershed District as shown on Assessors' Map 1078, Plot 12, which contains a land area of approximately 9,866 square feet of land.

Notice

Pursuant to notice duly published in a newspaper in general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was scheduled for February 24, 2015, before the Zoning Board of Appeals at 7 p.m. at Braintree Town Hall, One J.F.K. Memorial Drive, Braintree, MA. All abutters and abutters to the abutters were notified of the rescheduled hearing. Sitting on this petition were Chairman Stephen Karll, Michael Ford and Richard McDonough.

Evidence

The petition was presented by Stephen Au Coin, the property owner. The new home will be larger than the existing home. Renovation of the existing home would not be financially feasible due to its requiring extensive updates to meet the current building code. The proposed home would only encroach by 1.7 feet into the front setback due to a farmer's porch. While the lot coverage for the proposed dwelling is five percent larger than allowed, it is similar to pre-existing non-conforming homes in the neighborhood.

As grounds for the variance, the petitioner stated that the lot is an irregular one, not allowing for placement of the swelling on the lot in a manner that does not violate the front setback. The encroachment in the front is de minimus.

No one else spoke in favor of or opposition to the petition and the public hearing was closed.

Findings

The Board agreed with the Petitioner's assertions that that the property was unique due to lot shape, creating a hardship. Further, the Board determined that the proposed dwelling will not nullify or derogate the intent and purpose of the Zoning Bylaw.

Decision

On a motion made by Mr. Ford and seconded by Mr. McDonough, it was unanimously voted to grant the requested relief.

APPROVAL OF MINUTES:

On a motion made by Mr. Calder and seconded by Mr. McDonough, the Board voted 4-0 to accept the meeting minutes of February 3, 2015

The Board adjourned the meeting at 7.35 pm.