



Joseph. C. Sullivan
Mayor

Department of Planning & Community Development Zoning Board of Appeals

1 JFK Memorial Drive
Braintree, MA
www.braintreema.gov

Zoning Board of Appeals (ZBA) Meeting Notes February 27, 2017

IN ATTENDANCE: Stephen Karll, Chair
Michael Ford, Member
Michael Calder, Member
Richard McDonough, Alternate

ALSO PRESENT: Jeremy Rosenberger, Zoning Administrator

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

OLD BUSINESS:

- 1) Petition Number: 16-52
Petitioner: Mark Jeske
RE: 935-937 Granite Street**

Mark Jeske, 935-937 Granite Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 601 and 701 to construct rear addition that would expand the existing two-family dwelling building footprint from 1,612 sq. ft. to 3,706 sq. ft. 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 935-937 Granite Street, Braintree, MA 02184 and is within a Watershed Residential B District Zone, as shown on Assessors Map 1033, Plot 4B, and contains a land area of +/- 20,000 sq. ft.

Notice

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 December 27, 2016 at 7 p.m. and continued by mutual agreement to February 27, 2017 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Calder and Michael Ford, Members; and Richard McDonough, Alternate

Evidence

At the initial public hearing on December 27, 2016, the petitioner Mark Jeske, discussed he is seeking to construct a rear addition to an existing two family-dwelling at 935-937 Granite Street. The proposed addition would be connected to the 937 Granite Street unit by a new opening through the existing first floor kitchen, in addition to a new opening on the second floor. The proposed addition would be the main living area for the petitioner's family. The existing unit is currently used as a one bedroom apartment for the petitioner's in-law and would become an in-law accommodation as part of the proposed project. The other unit at 935 Granite Street (four bedrooms) is used by the petitioner's immediate family and would be rented out as part of the proposed changes.

Mr. Jeske explained the proposed project would expand the existing building footprint from 1,612 sq. ft. to 4,101 sq. ft. The existing two family is 4,852 gross sq. ft. (including basement & attic) and the proposed addition will result in a total of 11,898 gross sq. ft. (including basements, attics and garage). The in-law apartment would maintain the existing layout (1 bedroom) and the proposed addition would provide three bedrooms. Mr. Jeske also discussed the proposed project would provide an office/study and fitness room on the second floor with the proposed three bedrooms. Furthermore, the proposed project seeks to provide an attached 979 sq. ft. three-car garage.

After discussion, and due to concerns by the Board members with regard to the size and scale of the proposed addition and the proposed in-law accommodation, Chairman Karll offered the petitioner the opportunity to withdraw the petition or extend the public hearing. Mr. Jeske agreed to a continuation of the public hearing and would seek to update the proposed plans.

At the continued public hearing on February 27, 2017, Mr. Jeske provided updated plans that would expand the existing building footprint from 1,612 sq. ft. to 3,706 sq. ft. The revised proposed addition would result in a total of 9,938 gross sq. ft. (including basements, attics and garage). Mr. Jeske added the in-law accommodation would be removed. Lastly, the updated plans provide a two-car garage, scaled down from the previous proposed three-car garage.

The petitioner's existing lot is nonconforming, as it contains only 20,000 sq. ft., where 43,560 sq. ft. is required. The petitioner's existing two-family dwelling is pre-existing nonconforming as to the front yard setback; the dwelling is located 8.4 ft. from the front yard lot line, while the Zoning Bylaw requires a front yard setback of 20 ft. In addition, the petitioner's existing two-family dwelling is pre-existing nonconforming as to the side yard setback; the dwelling is located 9.76 ft. from the side yard lot line, while the Zoning Bylaw requires a side yard setback of 10 ft. Furthermore, the existing two-family dwelling is a pre-existing nonconforming use; a two-family dwelling is not allowed in a Residence B Zoning District. Accordingly, the proposed addition requires a finding pursuant to G.L. Chapter 40A, Section 6.

As grounds for the finding, the petitioner noted the addition will meet all the current setback, building height and coverage/open space requirements. In addition, the petitioner noted the addition will be similar to the existing neighborhood characteristics and not be more detrimental to the neighborhood.

The petitioner presented the plan entitled "Building Permit Plan, 935-937 Granite Street, Braintree, Massachusetts, dated November 14, 2016 and prepared by James E. McGrath, P.L.S. of Massachusetts. The petitioner also presented floor plans and architectural renderings entitled "937 Granite Street Residential Addition, 935/937 Granite Street, Braintree, MA 02184",

labeled "G000-G003, AE050, AE100, AE101, AE200, A050, A100-A102, A104, A201A203 and A300", dated February 10, 2017 and prepared by Alex Seikierski, AIA of Medway, MA.

The Planning Board submitted a recommendation of denial. Allison Moroz of 80 Herbert Road, submitted a letter of support, dated February 12, 2017. No one else spoke in favor of or opposition to the petition.

Findings

The Board found that the lot is pre-existing nonconforming in terms of lot area, as noted above. In addition, the Board found that the existing two-family is pre-existing nonconforming in terms of the front and side yard setback. The Board found the existing two-family is pre-existing nonconforming in terms of the two-family use, which is not allowed in a Watershed Residence B Zoning District. The Board also found that the proposed addition to the existing two-family dwelling will not create any new zoning non-conformity, and in fact, meet the current zoning requirements for setbacks, building height and building/lot coverages. The Board further found that the proposed revised February 10, 2017 plans, depicting no in-law accommodation, a two-car garage and overall smaller footprint, would not be substantially more detrimental to the neighborhood. Furthermore, the Board found there was no opposition to the proposed relief requested. Lastly, the Board found the updated proposed addition would be designed appropriately and be comparable in size relative to the existing housing stock.

Decision

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.

NEW BUSINESS:

- 1) **Petition Number: 16-63**
Petitioner: Patricia Nash-Power
RE: 17 Hollis Avenue

The Board, due to no recommendation by the Planning Board pursuant to Braintree Zoning By-law Section 135-407(e), requested the petitioner to continue the public hearing to March 27, 2017.

On a motion made and seconded, the Board voted 3-0 to grant the petitioners request to continue the public hearing to March 27, 2017.

- 2) **Petition Number: 17-01**
Petitioner: Peter Maitland
RE: 80 Town Street

The Board, due to no recommendation by the Planning Board pursuant to Braintree Zoning By-law Section 135-407(e), requested the petitioner to continue the public hearing to March 27, 2017.

On a motion made and seconded, the Board voted 3-0 to grant the petitioners request to continue the public hearing to March 27, 2017.

- 3) Petition Number: 17-02
Petitioner: Walker Realty, LLC
RE: 170-180 Forbes Road**

The Board, due to no recommendation by the Planning Board pursuant to Braintree Zoning By-law Section 135-407(e), requested the petitioner to continue the public hearing to March 27, 2017.

On a motion made and seconded, the Board voted 3-0 to grant the petitioners request to continue the public hearing to March 27, 2017.

- 4) Petition Number: 17-03
Petitioner: KW Braintree, LLC
RE: 170-180 Forbes Road**

The Board, due to no recommendation by the Planning Board pursuant to Braintree Zoning By-law Section 135-407(e), requested the petitioner to continue the public hearing to March 27, 2017.

On a motion made and seconded, the Board voted 3-0 to grant the petitioners request to continue the public hearing to March 27, 2017.

- 5) Petition Number: 17-04
Petitioner: Steve Richmond
RE: 899 Washington Street**

The Board, due to no recommendation by the Planning Board pursuant to Braintree Zoning By-law Section 135-407(e), requested the petitioner to continue the public hearing to March 27, 2017.

On a motion made and seconded, the Board voted 3-0 to grant the petitioners request to continue the public hearing to March 27, 2017.

- 6) Petition Number: 17-05
Petitioner: Widomaker Brewing
RE: 220 Wood Road**

The Board, due to no recommendation by the Planning Board pursuant to Braintree Zoning By-law Section 135-407(e), requested the petitioner to continue the public hearing to March 27, 2017.

On a motion made and seconded, the Board voted 3-0 to grant the petitioners request to continue the public hearing to March 27, 2017.

- 7) Petition Number: 17-06
Petitioner: Town of Braintree
RE: 71 Cleveland Avenue**

The Board, due to no recommendation by the Planning Board pursuant to Braintree Zoning By-law Section 135-407(e), requested the petitioner to continue the public hearing to March 27, 2017.

On a motion made and seconded, the Board voted 3-0 to grant the petitioners request to continue the public hearing to March 27, 2017.

- 8) Petition Number: 17-07**
Petitioner: ABC, Inc.
RE: 111 Parkside Avenue

The Board, due to no recommendation by the Planning Board pursuant to Braintree Zoning By-law Section 135-407(e), requested the petitioner to continue the public hearing to March 27, 2017.

On a motion made and seconded, the Board voted 3-0 to grant the petitioners request to continue the public hearing to March 27, 2017.

The Board adjourned the meeting at 8:15 pm.