



Department of Municipal Licenses and Inspections

Zoning Board of Appeals

1 JFK Memorial Drive – Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

Meeting Minutes

April 28, 2015

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

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

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

OLD BUSINESS:

- 1) **Petition Number: 14-33**
Petitioner: Bonnie Tan
RE: 639 Washington Street

Present: Attorney Bill Phelan representing the petitioner, Bonnie Tan-petitioner and property owner.

Attorney Phelan provided a presentation of the petition to and had discussion with the Board, and thereafter advised that his client would consider decreasing the number of units being requested in the petition.

Attorney Phelan requested a thirty day continuance to allow the petitioner to modify the proposal to decrease the number of units being requested which would allow for better compliance with parking and setbacks.

On a motion made by Mr. Calder and seconded by Mr. McDonough, the Board voted 3-0 to continue the petition to the May 26, 2015 Zoning Board of Appeals meeting.

NEW BUSINESS:

- 2) **Petition Number: 15-6**
Petitioner: KW Braintree, LLC c/o KS Partners, LLC
RE: 166-194 Forbes Road

Present: Attorney Frank Marinelli representing the petitioner, Ara Affendillion representing the property owner.

This is a petition filed by KW Braintree LLC 304 Boston Post Road, Wayland MA 01778 c/o KS Partners LLC 150 E. 58th Street Suite 2000, New York, New York 10155. The petitioner seeks relief from the Zoning Ordinance requirements under Chapter 135, Section, 403, 407, 701, 806, 812 and 814, to demolish the existing 65,000 square foot office structure and build a new six (6) story, approximate 140-room Residence Inn by Marriott Hotel and an approximate 6,000 square foot restaurant. The property is currently within a Highway Business zone as recorded on Assessors Map2053B Plot 2A.

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 April 28, 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 Calder and Richard McDonough.

Evidence

The petition was presented by Attorney Frank Marinelli 439 Washington Street Braintree, MA 02184. The property is currently within a Highway Business Zone as recorded on Assessors' Map 2053B Plot 2A.

The petitioner seeks to demolish an existing two (2) story office building and construct in its place a 140-room hotel and 6000 square foot restaurant. Relief is sought from bylaws addressing maximum height 135-701 (ordinance limit 50 feet, proposed height 69 feet 4 inches; maximum number of stories (ordinance limit four (4), proposed six (6)); 135-806 parking ratio for hotel rooms (ordinance requires 1.25/guest unit, proposed 1/Guest Unit); 135-814 Loading Space Requirements (ordinance requires 2, proposed 1); 135-812(C)Parking Landscape Strips (Abutting Right of Ways) (ordinance requires 10 feet, proposed six (6) feet); 135-812(I) Parking Lot Strips (Abutting Lots) (ordinance requires five (5) feet proposed none (0)).

Hardships related to ledge and lot shape were identified as the basis for seeking relief from the maximum building height and number of stories. The property possesses a massive ledge area approximately 630 feet in length, 85 feet in depth and 60 feet in height. The lot is three-sided and pie-shaped with a 737 foot fronting on Forbes Street and curves to intersect with the rear lot line. The Board found the aforementioned hardships allow for a variance from the ordinances restricting height and numbers of stories.

The petitioner noted the current use is non-conforming as to parking. The variance sought from the ordinance's requirement of 1.25 per guest is based on the petitioner's hotel standard, the ITE Parking Standards Manual and a review of hotels in the area that have the proposed ratio and have had no difficulties. The proposed development will have a 226 space lot and two encumbered easements for an additional 34 spots. Including the easements would put the petitioner in compliance with the ordinance, but he is taking the conservative approach of seeking relief as well.

Relief sought on the ordinances dealing with landscape strips abutting right of ways and parking lots will improve current conditions. The Planning Board could exercise its discretion and waive these requirements, but the petitioner is again taking a conservative approach and seeking a variance. The existing condition does not comply with the ordinance. Modifications that would bring the conditions into compliance would require amendment of the parking easements and would likely result in the loss of parking spaces. The petitioner's proposal will significantly increase the planting area along the frontage dramatically improving the current condition.

By a vote of 4-0-0, the Planning Board recommended favorable action on the petition, citing the valid grounds upon which the requests for relief were based and the improvements the proposal will bring to the current conditions.

There was no opposition to the petition.

Findings

The Board found that the petitioner had demonstrated the need for relief from the Zoning Ordinance. The Board concluded that the proposed hotel is not substantially more detrimental to the neighboring properties than the existing condition 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, topography and slope provide a basis for the requested relief.

Decision

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

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 24, 2015

The Board adjourned the meeting at 8.05 pm.