



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 Minutes July 24, 2017

IN ATTENDANCE: Stephen Karll, Chair
Michael Ford, Member
Michael Calder, Member
Richard McDonough, Associate
Steve Sciascia, Associate

ALSO PRESENT: Jeremy Rosenberger, Zoning Administrator

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

OLD BUSINESS:

- 1) Petition Number: 17-22
Petitioner: Christopher Mazzini
RE: 111 Livoli Avenue**

Christopher Mazzini, 111 Livoli Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403, 407, 609 and 701 to construct an attached single car garage with breezeway/pool house (additional building footprint of 670 sq. ft.); addition will encroach into side 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 at 111 Livoli Avenue, Braintree, MA 02184 and is within a Watershed B Residential District Zone, as shown on Assessors Map 1081, Plot 17, and contains a land area of +/- 8,144 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 June 26, 2017 and continued by mutual agreement to July 24, 2017 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Ford and Richard McDonough, Members; and no alternate.

Evidence

At the initial public hearing on June 26, 2017, the petitioner, Christopher Mazzini discussed he is seeking to construct an attached single car garage with breezeway and pool house/cabana. The proposed addition would provide an additional 670 sq. ft. to the existing 1,215 sq. ft. building footprint. The proposed project is to complement an in-ground pool that is currently under construction. Mr. Mazzini described the addition would require a side yard variance, as the proposed addition would be 3.2 ft. from the side yard setback, where 10 ft. is required. The current side yard setback is 17.9 ft. Chairman Karll asked the petitioner about the unenclosed shed off the proposed cabana depicted on the plans. The Chairman highlighted the shed would encroach into the abutting property. Mr. Mazzini agreed to remove the proposed shed.

Chairman Karll inquired as to what the proposed hardship is regarding the requested relief and if the owners would consider reducing the size of the proposal. Mr. Mazzini replied the lot has less width than depth and therefore is limited with regard to placement of an attached garage. The petitioner also stated the immediate abutter is in support of the proposal. In addition, the petitioner has discussed the proposed garage will be lower than the first floor elevation. As a result, a set of stairs will be required from the garage to the main dwelling. The required stairs will extend into the garage space and reduce the usability of the garage. Any reduction in width of the garage would render it unusable.

After discussion, Chairman Karll requested the petitioner seek to explore reducing the size of the proposed addition. Mr. Ford concurred with the Chairman's request. Mr. Mazzini agreed to work with his architect to reduce the size of the proposed addition. As such, the Board and Mr. Mazzini mutually agreed to continue the public hearing to July 24, 2017.

At the continued public hearing on July 24, 2017, Mr. Mazzini provided updated plans depicting an increase of the proposed side yard setback from 3.2 ft. to 5.9 ft. The proposed mudroom width has been reduced by 6 inches and the proposed attached garage width reduced by 2 ft. Mr. Ford appreciated the petitioner's efforts toward a compromise. Furthermore, the petitioner presented a letter of support from the abutter on the side of the proposed addition.

The petitioner's lot is nonconforming, as it contains 8,106 sq. ft., where 43,560 sq. ft. is required and provides only 70 ft. of lot width, where 100 feet is required. Accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

A variance is required for relief from the side yard setback requirements. The existing dwelling is 17.9 ft. from the right side yard lot line. The proposed garage addition, based on the updated plans submitted for the July 24, 2017 hearing, will encroach into the right side yard lot line, with a resultant side yard setback of 5.9 ft. The Zoning Bylaw requires a side yard setback of 10 feet.

As grounds for the variance, Mr. Mazzini replied the lot has less width than depth and therefore is limited with regard to placement of an attached garage. The petitioner also stated the addition is well designed and appropriate in scale. Any reduction in width of the garage would render it unusable. Lastly, the proposed project has the support of the most affected abutter, providing evidence the addition will not be more detrimental to the public good.

The petitioner presented the plan entitled "Certified Plot Plan", dated May 10, 2017 and prepared by Collins Civil Engineering Group, Inc. of West Bridgewater, MA. The petitioner also presented floor plans and architectural renderings titled "Mazzini Residence, 111 Livoli Avenue, Braintree, MA 02184", numbered A1, A2, A2.1, A3, A3.1, A4, A4.1, A5, S1 and S1.1, dated March 7, 2017, updated July 5, 2017 and prepared by Baker Architectural Design of Braintree, MA.

The Planning Board submitted an unfavorable recommendation due to lack of unique hardship related to soil, shape or topography. Ben Longobardi, of 105 Livoli Avenue, submitted a letter of support on July 22, 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 size and width, as noted above. In addition, the Board found the petitioner had presented a unique hardship with respect to the irregular shape of the lot. As a result, the Board found the placement of the dwelling and the shape of the lot has limited the petitioner with regard to the placement of the addition. The Board further found the petitioner had demonstrated the proposed addition would not be more detrimental to the neighborhood due to support of most impacted abutter. Therefore, the Board further found that the requested relief could be granted without nullifying or derogating from the purpose and intent of the zoning by-laws, and will be appropriately designed.

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, and variance from side yard setback requirements, pursuant to Bylaw Section 135-407, in accordance with the plans dated July 5, 2017, and with the condition that prior to the issuance of a building permit, the petitioner shall submit an updated certified plot plan depicting a right side yard setback of no less than 5.9 ft.

- 2) Petition Number: 17-25 & 17-26**
Petitioners (341 Franklin Street): Dat Tieu and Feliciano Agapito
Petitioners (343 Franklin Street): Dat Tieu and A&J Realty Investments LLC
RE: 341 & 343 Franklin Street

Dat Tieu and A&J Realty Investments LLC, 23 Haskell Street, Westborough, MA 01581, for relief from Bylaw requirements under Chapter 135, Sections 403, 407, 609 and 701 to demolish existing front porch, construct new 5 ft. x 6 ft. front landing and 8 ft. x 4 ft. rear deck, and expand second floor living space within the building footprint. 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 343 Franklin Street, Braintree, MA 02184 and is within a Watershed B and Residential B District Zone, as shown on Assessors Map 2047, Plot 24, and contains a land area of +/- 5,950 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 June 26, 2017 and continued by mutual agreement to July 24,

2017 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Ford and Richard McDonough, Members; and no alternate.

Evidence

At the initial public hearing on June 26, 2017, the petitioner's attorney, Carl Johnson, discussed the petitioner's proposal to reconfigure the existing lots at 341 and 343 Franklin Street. The petitioners are also seeking to demolish the existing dwelling at 341 Franklin Street (Case #17-25) and construct a new, 2.5 story dwelling with a 956 sq. ft. building footprint. The dwelling would have a split-level style floor plan with some colonial style exterior features. Furthermore, the petitioners are seeking to construct a new front porch (7 ft. x 11.5 ft.) and rear deck/landing (4 ft. x 7 ft.) to 343 Franklin Street. A minor expansion of second floor living space to provide adequate ceiling height is also being sought. Lastly, a complete interior/exterior renovation of 343 Washington Street is also planned.

Attorney Johnson discussed 343 Franklin Street was constructed circa 1900 (724 sq. ft. building footprint) on an approximately 9,500 sq. ft. lot. A subdivision plan entitled, "Plan of Land in Braintree" prepared by John J. Drinkwater C.E. was filed on June 4, 1946 to subdivide and create two lots; 343 Franklin Street and 341 Franklin Street. The subdivision established two lots; 343 Franklin Street as containing the 1900 dwelling on a 5,950 sq. ft. lot with 53.50 ft. of frontage and 341 Franklin Street, a 3,550 sq. ft. lot without frontage on Franklin Street that contained a one-story structure of approximately 400 sq. ft. In 1949, 341 Franklin Street dwelling received ZBA approval for a 30 sq. ft. rear addition to an existing bedroom.

Attorney Johnson described 341 Franklin's existing lot is undersized and deficient in lot area, width and does not have any frontage on Franklin Street (located behind 343 Franklin Street). In addition, the existing single family dwelling is a very small, one story single family dwelling (591 sq. ft. building footprint). 343 Franklin's existing lot is undersized and deficient in lot area and width. In addition, the existing single family dwelling is smaller as compared to some of the immediate area dwellings. As far as context, Mr. Johnson highlighted the immediate area is a mix of property sizes and predominantly single family dwellings. He also noted that 341 Franklin Street contains a very small segment of the Watershed B Zoning District on the southeastern portion of the property. Furthermore, 343 Franklin Street contains a small segment of the abutting Residence A Zoning District on the northeastern portion of the property.

Mr. Karll asked Attorney Johnson if the petitioners had considered razing both existing dwellings and constructing one single family dwelling. Mr. Johnson replied it would not be economically feasible. Mr. Ford stated he was concerned that the layout of the proposed new single family could be perceived or become a two-family dwelling.

After discussion and comments by the abutters and neighbors regarding the proposed density and size of the proposed new lots and dwelling, issues regarding excessive construction debris, broken glass and neglect of the site by the owners, Chairman Karll requested the petitioners seek to continue the hearing to allow Board members to visit the site and for the petitioner to consider the feedback and comments from the abutters/neighborhood. Mr. Ford and Mr. McDonough concurred with the Chairman's request. Attorney Johnson and the Board mutually agreed to continue the public hearing to July 24, 2017.

At the continued public hearing on July 24, 2017, after a brief summary of the history of the properties and the petitioner's original proposals, Mr. Johnson presented revised plans. He described the proposed lots would remain the same size/dimension as described at the

previous hearing, but Attorney Johnson highlighted an easement would be established for a common paved driveway and four off-street parking spaces behind 343 Franklin Street. Mr. Johnson also described the proposed new single family dwelling at 341 Franklin Street is reduced in size to 32 ft. x 24 ft. Additionally, the front yard setback would conform as opposed to the previous iteration.

Mr. Karll asked Attorney Johnson again if the petitioners had considered razing both existing dwellings and constructing one single family dwelling. Mr. Johnson replied it would not be economically feasible to replace two lots, each with a single family dwelling, with one single family dwelling on a combined lot. Attorney Johnson also stated the petitioners would consider moving forward with just the proposed minor modifications to the existing dwelling at 343 Washington Street if the Board does not support the proposal to reconfigure the lots and the replacement of the dwelling at 341 Washington Street with a new single family dwelling.

The Board expressed that they had never encountered such a unique configuration of lots and dwellings before. Mr. Karll asked Attorney Johnson if he would discuss the updated proposal with the abutters present as they had not seen the revised plans to date. Mr. Johnson and the abutters agreed to discuss the revised proposal.

After discussions with the abutters, Mr. Johnson expressed no consensus of support for the updated proposal had been reached. Mr. Ford discussed the case was extremely unique and highlighted that this might be the best opportunity to significantly improve the property. Attorney James Timmons, representing Devon Costello of Colby Drive, expressed the proposed project far exceeds the density allowed in the Braintree Zoning Bylaws and will negatively affect the neighborhood. As a result, Attorney Timmons stated the Costello's are opposed to the present plans to reconfigure the lots and construct a new single family at 341 Franklin Street. They would support at this stage, the petitioner's option to only seek the Board's approval for the minor alterations to 343 Washington Street.

Due to the lack of support from abutters and difficult decision before the Board, Attorney Johnson agreed to only seek action from the Board for a finding to make minor improvements to the existing single family dwelling at 343 Washington Street (Case #17-25) and withdraw the petition for 341 Washington Street (Case #17-26). As a result, no changes in the lot sizes/configurations would be sought.

As far as the petitioner's request for a finding for the additions/modifications to the dwelling at 343 Washington Street, the lot is pre-existing nonconforming, as it contains only 5,950 sq. ft., where 15,000 sq. ft. is required, and provides only 26 ft. of lot width, where 100 ft. is required. The petitioner's single family dwelling is pre-existing nonconforming as to the front yard setback; the dwelling is located 14.4 ft. from the front yard setback, while the Zoning Bylaw requires a front yard setback of 20 ft. Also, the dwelling is located 2.69 ft. from the left side yard lot line, while the Zoning Bylaw requires a side yard setback of 10 ft. The proposed modifications/additions will be built within the existing footprint and not create any new zoning nonconformity. Accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

As grounds for the finding, the petitioner noted the addition to 343 Washington Street will be within the existing footprint and not generate any new zoning nonconformity. Secondly, the petitioner noted the addition will be similar to the existing neighborhood characteristics and not be more detrimental to the neighborhood. Furthermore, the petitioner seeks to remove the front porch which will result in the dwelling complying with the front yard setback.

The petitioner presented the existing and proposed plot/site plans entitled "Houses-341 & 343 Franklin Street, Braintree, MA", dated April 12, 2017 and prepared by Spink Design of Middleboro, MA. The petitioner also presented the plan entitled "341-343 Franklin Street, Braintree, Massachusetts 02184", dated July 20, 2017 and prepared/surveyed by MMF. The petitioner also presented floor plans and architectural renderings entitled "341 Franklin Street", labeled CS-1, A-1 thru A-3, dated April 11, 2017 and preparer unknown. Finally, the petitioner presented floor plans and architectural renderings entitled "343 Franklin Street", labeled CS-1, A-1 thru A-5 and S-1, dated April 11, 2017 and preparer unknown.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval. Sunil Yoganathan of Franklin Street highlighted his support of improving the blighted dwelling at 343 Franklin Street, but stated he was indifferent with regard to the proposed plans for 341 Franklin Street. Devon Costello of Colby Road discussed her opposition to the original proposal to reconfigure the subject properties and construction of the new single family dwelling. She described the lots as being significantly undersized and the new dwelling would negatively impact her property on Colby Road. Ms. Costello supported the proposal to only make minor modifications/improvements to the dwelling at 343 Washington Street. Lydia Ostopowich of 337 Franklin Street expressed concerns with the current state of the properties (construction debris, dumpster overflowing, broken glass, etc.), density of the original proposal and potential new utility hazards. Marsha Shahvali of 349 Franklin Street expressed concerns with the current state of the properties and density of the original proposal. Both Ms. Ostopowich and Ms. Shahvali supported the updated proposal only for modifications/improvements to the dwelling at 343 Franklin Street. No one else spoke in favor of or opposition to the petition.

Findings

The Board found that the 343 Washington Street lot is pre-existing nonconforming in terms of lot area and width, as noted above. In addition, the Board found that the dwelling at 343 Washington Street is pre-existing nonconforming in terms of the front and left side yard setbacks. The Board also found that the proposed second floor addition will not create any new zoning non-conformity. In addition, the Board found that the petitioner, by removing the existing front porch and replacing it with a 5 ft. by 6ft. landing, will meet the front yard setback requirement of 20 ft. The Board further found that the proposed additions and improvements will significantly improve a blighted dwelling and lot. As such, the Board found the proposed addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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, for the minor modifications to the dwelling at 343 Washington Street per the plans titled "341-343 Franklin Street, Braintree, Massachusetts 02184", dated July 20, 2017 and based on the petitioner withdrawing the request for any lot dimensional changes or site improvements as depicted on said plans.

NEW BUSINESS:

- 1) Petition Number: 17-27
Petitioner: McDermott Strategic Enterprises LLC (Patrick McDermott),
RE: 40 Dewey Road**

McDermott Strategic Enterprises LLC (Patrick McDermott), 7 Foster Street, Suite 1, Quincy, MA 02169 for relief from Bylaw requirements under Chapter 135, Sections 403 and 701 to construct a one-story rear addition (16.1 ft. x 16.2 ft.) above existing first floor. 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 40 Dewey Road, Braintree, MA 02184 and is within a Residence C District Zone, as shown on Assessors Map 3050, Plot 11, and contains a land area of +/- 3,150 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 July 24, 2017 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Ford and Michael Calder, Members; and Richard McDonough, Alternate

Evidence

Patrick McDermott, the petitioner, explained he is seeking to significantly improve an abandoned dwelling, acquired through the Commonwealth's Attorney General's Office foreclosure program. The proposed project would involve constructing a 16.1 ft. x 16.2 ft. second story addition over the existing rear one story section of the dwelling. The addition would be slightly wider than the existing rear single story (12 ft. x 16.2 ft.), and would be cantilevered over the first floor by approximately 4 ft. The addition would be comprised of a new master bedroom and bathroom. The existing footprint of the single family dwelling is approximately 576 sq. ft. Chairman Karll asked the petitioner if they would be making improvements to the existing landscaping and front stairs. Mr. McDermott stated that such improvements would definitely be undertaken.

The petitioner's existing lot is nonconforming, as it contains only 3,150 sq. ft., where 43,560 sq. ft. is required, provides only 45 ft. of lot width, where 200 ft. is required, provides only 45 ft. of lot frontage, where 100 ft. is required, and provides only 70 ft. of lot depth, where 200 feet is required. The petitioner's existing single family dwelling is nonconforming as to the front yard setback; the dwelling is located +/- 1 ft. from the front yard lot line, while the Zoning Bylaw requires a front yard setback of 50 ft. In addition, the existing dwelling is nonconforming as to the side yard setbacks; the dwelling is located 11.7 ft. from the left side yard lot line and 16.8 ft. from the right side yard lot line, while the Zoning bylaw requires a side yard setback of 30 ft. Also, the existing dwelling is nonconforming as to the rear yard setback; the dwelling is located 20.2 ft. from the rear yard lot line, while the Zoning bylaw requires a rear yard setback of 50 ft. The proposed addition will not create any new zoning nonconformity. Accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

As grounds for the finding, the petitioner noted the addition, except for a small cantilevered section, will be within the existing building footprint and not generate any new zoning nonconformity. Secondly, the petitioner noted the addition will be similar to the existing neighborhood architectural characteristics and will not be more detrimental to the neighborhood. Lastly, the petitioner noted the improvements will significantly enhance a blighted property.

The applicant presented the plan entitled "Plot Plan Showing Proposed 2nd Sty. Addition at 40 Dewey Road in Braintree, Mass., dated May 4, 2017 and prepared by Neponset Valley Survey

Assoc. Inc., of Quincy, MA. The applicant also presented floor plans and architectural renderings entitled "Proposed Renovation & Addition to: 40 Dewey Road, Braintree, MA" numbered A1.1, A2.1, A3.1, A4.1 and S1.1, dated January 16, 2017, and prepared by Boynton Design of East Taunton, MA.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval. 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, width, frontage and depth, as noted above. In addition, the Board found that the dwelling is pre-existing nonconforming in terms of the front, side and rear yard setbacks. The Board also found that the proposed addition would not create any new zoning nonconformity. The Board further found that the proposed addition will be designed appropriately, be comparable in size relative to the existing housing stock, and be a significant improvement to the vacant dwelling. Lastly, the Board found the proposed addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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.

- 2) Petition Number: 17-28**
Petitioner: Foxrock Properties
RE: 55 Messina Drive

Foxrock Properties, 100 Newport Avenue Extension, Quincy, MA 02171 for relief from Bylaw requirements under Chapter 135, Sections 135-407, 609 and 701 for zoning relief to enclose an existing exterior loading dock (12' x 36'), construct a front entry vestibule and landscape/parking area improvements. The applicant seeks a permit, variance and/or finding that the proposed project is not more detrimental to the neighborhood. The property is located at 55 Messina Drive, Braintree, MA 02184 and is within a Watershed Commercial District Zone, as shown on Assessors Map 1059, Plot 5E and contains a land area of +/- 3 acres.

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 July 24, 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

Attorney Frank Marinelli, on behalf of the petitioner, explained the petitioner's tenant Citra Labs, is seeking to enclose an existing 36.25 ft. x 12 ft. loading dock at the rear of the existing building and undertake necessary site improvements. The existing building is approximately 59,000 sq. ft. and located on a three acre property. Foxrock Properties purchased the property in 2007.

The building, originally constructed in the 1960's, and was expanded to its current size by the way of a Special Permit in 1981. Attorney Marinelli described the proposed loading dock enclosure/vestibule is necessary for the long-term tenant of the building, Citra Labs, a company that develops and markets FDA- approved blood rejuvenation solution and citrate-base anticoagulants. The property owner/Citra Labs is in the process of a multi-million dollar improvement to the building/business, which has amounted to roughly \$30 million dollars in internal improvements in the past ten years. The current improvements include significant upgrades to the Citra Labs tenant space, but also site improvements such as landscaping, parking/access, curbing and stormwater management. Mr. Marinelli further discussed the petitioner went before the Planning Board on July 11, 2017 for an amendment to the 1981 decision for a new Special Permit/Site Plan Review, as the current property is not in compliance with the 1981 Special Permit decision plans.

Variations are required, as the proposed enclosure of the rear loading dock and new front vestibule/site improvements will not meet the required rear yard setbacks, building coverage and lot coverage/open space requirements pursuant to Section 135-701. As far as the need for a rear yard variance, the enclosure of the rear existing loading dock will intensify the existing rear setback nonconformity. The loading dock is located 20.1 ft. from the rear yard lot line where 35 ft. is required. It should be noted, the loading dock was constructed prior 1981 when the rear yard setback was increased from 20 ft. to 35 ft.

As far as the need for a building coverage variance, the proposed rear dock enclosure and new front vestibule will increase the building coverage from 41.25% to 41.6%. The current zoning requirement is 25%.

As far as the need for a lot coverage/open space variance, the proposed site improvements will decrease the pre-existing nonconforming lot coverage condition. The existing lot coverage is 87.8% and will be reduced to 80.8%. The zoning requirement allows for maximum lot coverage of 60% (40% open space minimum requirement).

As grounds for the variances, Mr. Marinelli highlighted the three acre property is unique in nature due to the irregular shape; the frontage and width of the lot (465 feet) are approximately 72% greater than the depth (269.07 feet) of the lot. In addition, the petitioner has stated the rear yard setback is a pre-existing nonconforming condition. The only modification is enclosing the loading dock to create a vestibule and the construction of very small front entrance vestibule to meet ADA requirements. The existing footprint of the loading dock will not change. Furthermore, the petitioner has stated enclosing the loading dock is an essential component of the multi-million dollar interior/exterior improvements to Citra Labs.

The applicant presented the plan entitled "Site Plan-55 Messina Drive", dated May 25, 2017, and prepared by Tetra Tech of Marlborough, MA.

The Planning Board submitted a favorable recommendation. No one else spoke in favor of or opposition to the petition.

Findings

The Board found the petitioner had presented a hardship with respect to the irregularly-shaped lot. The Board found that by granting the requested relief and variances, the proposed site improvements will significantly enhance the property and prospectively be a catalyst toward improvements to other properties in the area. The Board also found that the proposed increase

in building coverage due to the dock/front vestibule were di minimis. The petitioner has documented that the when the building and additions were constructed, they met the zoning regulations at the time. In addition, due to the proposed landscape improvements, the Board found the lot coverage/open space percentage will be closer to compliance with the current zoning regulations. Furthermore, the Board found the improvements will also increase the amount of off-street parking on the site, reducing any potential parking issues for the surrounding area. Lastly, the Board found that the requested relief could be granted without nullifying or derogating from the purpose and intent of the zoning by-laws, and will be appropriately designed.

Decision

On a motion duly made by and seconded, the Board unanimously (3-0) voted to grant requested variances from Bylaw Section 135-701 for rear yard setback, building coverage and lot coverage/open space, pursuant to Bylaw Section 135-407, in accordance with the plans submitted.

- 3) Petition Number: 17-29
Petitioner: 148 Hancock Street LLC (Yong Guang Lin)
RE: 148 Hancock Street**

The Board, identifying that an updated plot/site plan had not been prepared for the hearing, asked the petitioner to continue the public hearing to August 28, 2017. The petitioner agreed to the public hearing extension.

On a motion made and seconded, the Board voted 3-0 to continue the public hearing to August 28, 2017.

- 4) Petition Number: 17-30
Petitioner: Manishkumar Patel
RE: 16 Plymouth Avenue**

Manishkumar Patel, 16 Plymouth Road, Braintree, MA 02184, for relief from Bylaw requirements under Sections 135, Sections 403, 407, 609 and 701 to demolish the existing attached sunroom and construct a 12 ft. x 24 ft., two-story addition (single car garage with living space above). 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 16 Plymouth Road, Braintree, MA 02184 and is within a Watershed Residence B District Zone, as shown on Assessors Map 1055, Plot 93, and contains a land area of +/- 7,200 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 July 24, 2017 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Richard McDonough and Steve Sciascia; and Michael Ford, Alternate.

Evidence

Manishkumar Patel, the petitioner, explained they are seeking to demolish an existing attached 8 ft. x 10 ft. sunroom/porch and construct a new attached single car garage with a master bedroom above. The sunroom is currently approximately 8.8 ft. from the left side yard lot line. The proposed addition would be 12 ft. x 24 ft. The petitioner highlighted a building permit was issued for a by-right addition to the main dwelling, consisting of a new full second story to the existing 1.5 story cape style dwelling.

The petitioner's lot is nonconforming, as it contains only 7,200 sq. ft., where 43,560 sq. ft. is required, provides only 60 ft. of lot width, where 100 feet is required and provides only 98 ft. of lot depth, where 100 feet is required. The petitioner's existing single family dwelling is nonconforming as to the left side yard setback; the dwelling is located +/- 8.8 ft. from the left side yard lot line and 7 ft. from the right side yard lot line, while the Zoning Bylaw requires a side yard setback of 10 ft. Lastly, the proposed addition will not create any new zoning nonconformity, but will intensify the existing left side yard non-conforming setback. Therefore, a finding pursuant to G.L. Chapter 40A, Section 6 is required.

As grounds for the finding, the petitioner noted the addition will not create any new zoning non-conformity. In addition, the petitioner noted the addition will be similar to the existing neighborhood characteristics, will be well designed and not be more detrimental to the neighborhood.

The applicant presented the plans entitled "Plan of Land in Braintree, Massachusetts, 16 Plymouth Road", dated May 9, 2017 and May 10, 2017, and prepared by CS Kelley Land Surveyors of Pembroke, MA. The applicant also presented floor plans and architectural renderings titled "Home Expansion, 16 Plymouth Road, Braintree, MA", numbered A1.0, A2, A2.1, dated August 8, 2016 and prepared by Tom Ferrone.

The Planning Board submitted a recommendation to endorse the staff recommendation of approval. Feng Yan Hong, of 20 Plymouth Road, submitted a letter of support on July 19, 2017. Nicholas and Victoria Salvatoriello, of 10 Plymouth Road, submitted a letter of support on July 19, 2017. No one else spoke in favor of or opposition to the petition.

Findings

The Board found the lot is pre-existing nonconforming in terms of lot size and width, as noted above. In addition, the Board found the dwelling is pre-existing nonconforming in terms of the left and right side yard setbacks. The Board also found that the proposed addition will not create any new zoning non-conformity. The Board further found that the proposed addition will be designed appropriately and be comparable in size relative to the existing housing stock. The Board further found the petitioner had demonstrated the proposed addition would not be more detrimental to the neighborhood by providing evidence of abutter support.

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.

APPROVAL OF MINUTES:

On a motion made and seconded, the Board voted 5-0 to accept the June 26, 2017 meeting minutes.

The Board adjourned the meeting at 9:30 pm.