



Joseph C. Sullivan
Mayor

Department of Planning & Community Development Zoning Board of Appeals

1 JFK Memorial Drive
Braintree, Massachusetts 02184

Zoning Board of Appeals (ZBA) Meeting Minutes August 25, 2015

IN ATTENDANCE: Michael Calder, Acting Chair
Richard McDonough, Member
Michael Ford, Member

ALSO PRESENT: Megan Bayer, (Fill-in for Town Solicitor)
Jeremy Rosenberger, Zoning Administrator

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

NEW BUSINESS:

- 1) **Petition No. 15-21**
Petitioner: Michael and Kathy Ramsey
RE: 79 Wyman Road, Braintree, MA

This is a petition filed by Michael and Kathy Ramsey, 79 Wyman Road, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 to legalize above ground pool and attached deck constructed within required setbacks. The applicant seeks a permit, variance and/or finding that proposed alteration is not more detrimental to the neighborhood. The property is located at 79 Wyman Road, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 2023, Plot 12, and contains a land area of +/-7,125 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, 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 August 25, 2014 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Michael Calder, Acting Chairman; Michael Ford, Member; and Richard McDonough, Member.

Evidence

The petitioner did not attend the hearing. The petitioner was contacted and agreed to a 30-day extension of the petition.

Decision

On a motion made by Mr. Calder and seconded by Mr. Ford, the Board voted 3-0 to grant a 30 day extension of the petition to be heard at the September 15, 2015 meeting.

- 2) Petition No. 15-22**
Petitioner: Lorraine Tse
RE: 21-23 Tremont Street, Braintree, MA

This is a petition filed by Lorraine Tse, 21-23 Tremont Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701 to build one new porch in front of house (8 ft. X 29 ft.), two rear porches, and extend the porch at right side of house to 8 ft. X 18 ft. The applicant seeks a permit, variance and/or finding that proposed alteration is not more detrimental to the neighborhood. The property is located at 21-23 Tremont Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 1011, Plot 48, and contains a land area of +/-5,962 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, 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 August 25, 2015 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Michael Calder, Chairman; Michael Ford and Richard McDonough, Members.

Evidence

Dan Tan, a contractor representing the petitioner, explained that he wishes to add a front porch, two rear porches, and an enclosed porch on the right side of the house on an existing two family house located at 21-23 Tremont Street. The petitioner's lot is nonconforming, as it contains only 5,962 sq. ft. where 15,000 sq. ft. is required, offers only 63.77 feet of lot width, where 100 feet is required and provides only 90.90 feet of lot depth, where 100 feet is required. The petitioner's existing house is also nonconforming as to side yard setback; the house is located 9.2 feet from the left side yard and 2 feet from the right side yard. The existing house is also nonconforming as to the rear yard setback; the house is located 14 feet from the rear yard line, while the Zoning Bylaw requires a rear yard setback of 30 feet. Accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

In addition, the petitioner proposes to construct a front porch which requires a variance. The Zoning Bylaw requires a front yard setback of 20 feet, but the proposed new porch will be 17 feet from the front lot line. Lastly, the proposal will exceed the maximum building coverage allowed, which will require a variance. The Zoning Bylaw allows a maximum 35% building coverage, but the proposal provides 37% building coverage per staff analysis.

As grounds for the variance, the petitioner noted the existence of front porches in the immediate neighborhood. The petitioner also reiterated the location of the existing non-conforming building on the site and the need to provide multiple forms of egress for safety purposes as a hardship.

The applicant presented the plan entitled "Plot Plan in Braintree, Massachusetts, Owner Lorraine Tse," dated July 9, 2015 and prepared by Global Associates of Wakefield, MA. The applicant also presented plans and architectural renderings entitled "Proposed New Porches and Decks" with Sheets A1 and A2 undated.

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 based on the location of the existing building on the lot and the need to provide a second egress. 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 without substantial detriment to the neighborhood and public good.

Decision

On a motion duly made by Mr. Ford and seconded by Mr. McDonough, the Board unanimously (3-0) voted to grant the requested finding, pursuant to Bylaw Section 135-403, and variances from the minimum front yard setback and maximum building coverage, pursuant to Bylaw Section 135-407, in accordance with the plans submitted.

- 3) Petition No. 15-23**
Petitioner: Annemarie Chase
RE: 30 Barstow Road, Braintree, MA

Mr. Calder advised the Board that the petitioner has submitted a written request for a 60-day extension of the petition.

On a motion made by Mr. Calder and seconded by Mr. McDonough, the Board voted 3-0 to grant a 60 day extension of the petition to be heard at the October 27, 2015 meeting.

APPROVAL OF MINUTES:

On a motion made by Mr. Ford and seconded by Mr. McDonough, the Board voted 3-0 to accept the meeting minutes of July 28, 2015.

The Board adjourned the meeting at 7:30 pm.