



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 June 28, 2016

IN ATTENDANCE:

Stephen Karll, Chair
Michael Ford, Member
Michael Calder, Member
Richard McDonough, Member

ALSO PRESENT:

Carolyn Murray, Kopelman & Paige
Jeremy Rosenberger, Zoning Administrator

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

OLD BUSINESS:

- 1) Petition Number: 15-61
Petitioner: Town of Braintree & BSC Partners LLC
RE: 128 & 0 Town Street**

BSC Partners, LLC & Town of Braintree, c/o Scott Lacy, Esq., 11 Robert Toner Blvd., Suite 5, North Attleboro, MA 02760 (owner of property, Town of Braintree) for relief from Bylaw requirements under Chapter 135, Articles IV, VI, VII and VIII to construct a 208,542 sq. ft. commercial recreation building, with a building footprint of 157,160 sq. ft., including accessory uses consisting of two (2) hockey rinks; an indoor swimming pool; an indoor multi-sport turf field; indoor work-out/training facilities; wellness/sports facilities; pro-shop; family fun area; food concessions, and office space. In addition, the proposal seeks relief from zoning bylaws for the required 835 off-street parking spaces by an indoor commercial recreation use. The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The properties are located at 128 and 0 Town Street, Braintree, MA 02184, and are within a Watershed Highway Business District Zone/, as shown on Assessors Map 1042, Plot 01 & 02, and contains a land area of 54.29 acres (A 15.88 acre lot, which is the basis for the petition, was recently approved by an "Approval Not Required" (ANR) endorsement by the Planning Board on February 8, 2016.)

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 hearing by the Zoning Board of Appeals was scheduled for February 23, 2016 at Town Hall, One JFK Memorial Drive, Braintree, MA. The hearing was continued by mutual agreement to March 22, 2016, continued by mutual agreement to April 26, 2016, continued by mutual agreement to May 24, 2016, and continued by mutual agreement to June 28, 2016. 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 opening of the public hearing on February 23, 2016, Attorney Scott Lacy appeared on behalf of the petitioners, BSC Partners, LLC ("BSC") and the Town of Braintree. Mr. Lacy provided an overview of the process that had led to the proposed design of the proposed athletic facility. Attorney Lacy added the proposed athletic facility would consist of two sheets of ice for hockey, an indoor pool named for former Captain August Petersen, an indoor multipurpose synthetic field, locker rooms, viewing area, concession stands, and related amenities. The Town of Braintree, acting through the Mayor, solicited proposals pursuant to special legislation enacted by the Commonwealth of Massachusetts, entitled *Chapter 141 of the Acts 2011*. The special legislation allowed the Town of Braintree to seek a single contractor to design, build, and operate an athletic facility on Town-owned land. The area designated for the proposed athletic facility is a 6-acre lease area located on the Braintree High School campus, adjacent to Carson Field. BSC was the selected developer. The facility will be used by Braintree School and Youth teams and the general public. The proposed use is identified as an Indoor Commercial Recreational Facility, requiring a Special Permit in a Highway Business/Watershed Protection Overlay Zoning District.

The 6-acre lease area is part of a larger 15.88 acre lot, Town of Braintree-owned property. The 15.88 acre lot was recently approved by an "Approval Not Required" (ANR) endorsement by the Planning Board on February 8, 2016. In addition, the entire 15.88 acre lot was rezoned to Highway Business/Watershed Protection Overlay Zoning District by the Town Council on August 18, 2015. Lastly, the 15.88 acre lot is part of the Braintree High School campus, encompassing a total of approximately 83 acres.

A commercial recreational facility is a use allowed by special permit in the Highway Business/Watershed Protection Overlay Zoning District. The balance of the 83 acre Braintree High School campus is zoned Open Space Conservancy District. The proposed location of the athletic facility does not meet under Section 135-702(B) the required 100-foot buffer zone for no structure to be located within between a Highway Business District and the Open Space Conservancy Zoning District, unless the Special Permit Granting Authority waives for unique circumstances encroachment into the 100' buffer.

After discussion, Chairman Karll requested that the petitioners continue the public hearing to the next month to provide more information regarding the proposed off-street parking plan. The Board approved a motion to continue the public hearing to March 24, 2016. Mr. Lacy agreed to continue the hearing.

At the continued public hearing on May 24, 2016, Mr. Lacy provided an update on the proposed off-street parking plan. Attorney Lacy reminded the members of the ZBA that the footprint of the

proposed athletic facility is 157,160 sq. ft., with a total building area of 208,542 gross sq. ft. The athletic facility would occupy the majority of the 6-acre lease area. The facility will offer 10 off-street parking spaces within the 6-acre lease area, but the Zoning By-law Section 135-806(b) requires 835 off-street parking spaces for a commercial recreation use. In addition, Section 135-806(A) requires 735 parking spaces for the high school, co-located on a portion of the 15.88 acre lot. The high school campus currently offers only 722 existing off-street parking spaces, and with the proposed construction of the athletic facility, the entire school campus will offer a combined total of 756 parking spaces. The high school is an exempt educational use under G.L. c. 40A, §3 and could invoke such provision for relief from the parking requirements under the Zoning By-laws, but the Town, as the co-applicant, did not wish to disturb the parking available to the high school and instead preferred that BSC seek a variance from the parking requirements.

The Zoning By-law also requires a commercial recreational facility to have one off-street loading space, but the plans submitted for the facility do not include a loading space. Nonetheless, relief is needed from this zoning requirement under Section 135-814.

After discussion, Chairman Karll requested that the petitioners continue the public hearing to the next month to provide more detailed information regarding the requested off-street parking variance. The Board approved a motion to continue the public hearing to June 28, 2016. Mr. Lacy agreed to continue the hearing.

At the continued public hearing on June 28, 2016, Attorney Lacy continued his discussion with regard to the requested variance from the off-street parking requirements. In support of the parking variance, BSC and the Town submitted information demonstrating that the timing of use of the high school and the athletic facility are opposite, such that the bulk of the parking may be allocated to the high school during the school day and then to the athletic facility after school hours and on weekends. BSC submitted a Traffic Impact and Assessment Study prepared by Bayside Engineering, dated October 26, 2015 and revised on May 17, 2016, that supports the compatible use of the parking spaces for the high school and athletic facility, in addition to accommodating a Massachusetts Interscholastic Athletic Association ("MIAA") event. Further, Bayside Engineering's Traffic Study concludes that the main parking lot between the athletic facility and the high school provides more than adequate parking, when analyzed under the Institute of Traffic Engineers analysis, field analysis or projected use analysis, the traffic engineer was of the opinion the existing parking area sufficiently provided off-street parking for both uses. Further, safe access and egress and movement on the site is accomplished through the use of existing parking areas and entrances, which further protect the surrounding neighbors from any adverse impact from the use of the parking areas.

The School Committee and BSC negotiated a Parking Agreement, a copy of which was provided to the Board, in which the parties confirm their positions that the two uses can co-exist compatibly on the high school campus, with the possible exception of sixteen (16) dates identified as special School Department events with a particularly high parking demand, and on those dates, the athletic facility will either close, reduce its hours of operation or implement an alternative parking plan to give priority parking to the School Department events. The School Committee and the Mayor, in his dual capacity as a member of the School Committee, submitted letters in support of the parking variance and reiterating their concurrence that the two uses can co-exist and draw from the same parking.

Moreover, it should be noted that the Town Engineer, at the request of the Mayor, identified additional parcels on the high school campus that are available and could be used for the

construction of temporary or permanent parking spaces, should the need arise. The Parking Agreement between BSC and the School Committee calls for a high level of communication between BSC and the School Superintendent, or his designee, to allow for periodic adjustments to the parking demands, based on actual need. School Committee member, Thomas Devin, addressed the Board and assured the public that the School Committee is committed to ensuring that this shared parking arrangement works with little to no detriment to the neighbors surrounding the high school campus and the public in general.

As grounds for the variance, Attorney Lacy noted the unusual set of circumstances that led to the identification and creation of this parcel for this purpose, that being the requests for proposals solicited by the Town asking a private developer to build this facility on a site chosen by the Town, as opposed to the traditional method where a private developer would own a parcel and decide how best to develop that parcel. Here, BSC has no control over the size, location or zoning associated with the parcel, as those decisions were made by the Town. As only 6-acres were released by the School Committee to the Mayor for the purpose of leasing to a private party selected to construct and operate this athletic facility, with the balance of surrounding land remaining under the control of the School Committee, BSC does not have any option to acquire additional surrounding land to increase its parcel size to alleviate its parking requirement. Also, where the 6-acre parcel is located between Town Street and on Carson Field, there is no room for additional parking. Further, where the Town's request for proposals requires BSC to construct the Petersen Pool, a hockey rink and other amenities associated with an athletic facility and provide discounted use of the facility for Braintree teams, while recognizing that BSC must operate the facility in a manner so as to be financially viable, the size and scope of the facility itself must be sufficient for BSC to achieve financial viability. Accordingly, the size and shape of the leased parcel, as well as the size and location of the proposed athletic facility on that leased parcel, are unique. It should also be noted that, if the Town chose to construct the athletic facility itself to support the primary educational purpose of Braintree High School, the facility could be built, pursuant to G.L. c. 40A, §3, by applying only reasonable dimensional restrictions and not by a literal enforcement of the Zoning By-laws.

In addition, Attorney Lacy noted the high water table associated with this parcel, located between 7 and 18 inches below the surface, making it virtually impossible to consider an underground parking facility or significant expansion of surface parking within the confines of the 6-acre parcel.

Attorney Lacy asserted that the public welfare and convenience will be served by granting the variance, as the long-awaited Captain Petersen pool will finally be built and housed in a state of the art athletic facility that will be open to Town residents and youth sports teams. Further, Attorney Lacy argued that a literal enforcement of the Zoning By-laws would create a hardship for BSC, who is limited to constructing the facility within the 6-acre leased parcel designated by the Town, with surrounding parcels used by and under the control of the School Committee and located outside of the Highway Business Zoning District.

The petitioner presented site plans entitled "Braintree Athletic Center, Peterson Pool Indoor Sports Complex, 128 Town Street, Braintree, Massachusetts", originally dated December 21, 2015 and updated on March 16, 2016, entitled "Cover" labeled as C-0.0, "Existing Conditions" labeled as C-1.0, "Plan of Land" labeled as C-1.1, "Layout and Materials" labeled as C-2.0, "Grading and Utilities" labeled as C-3.0, "Landscaping Plans" labeled as C-4.0-4.4, "Typical Details" labeled as C-5.0-5.4, "Pump Station" labeled as C-5.5, and prepared by Level1 Design Group of Plainville, MA and Studio Troika of Boston, MA. The applicant also presented traffic and parking assessment plans entitled "Transportation Impact and Access Study-Proposed

Braintree Athletic Center” October 26, 2015 and revised on May 17, 2016, and prepared by Bayside Engineering of Woburn, MA.

The Planning Board, by a vote of 4-0, provided a recommendation of No Vote due to insufficient plans, with the condition the applicants come back before the Board with updated plans, specific to the proposed off-street parking plan. Town of Braintree Superintendent of Schools Frank Hackett submitted a letter of support on June 27, 2016. Town of Braintree Mayor Joseph C. Sullivan submitted a letter of support on June 28, 2016. On May 24, 2016, Laney Harrington spoke regarding concern that the proposed athletic facility would aggravate existing Granite Street traffic issues. No one else spoke in favor of or opposition to the petition.

Findings

The Board found the shape and size of the leased area to be unique, in that the 6-acre leased area was selected by the Town for the purpose of constructing the athletic facility, that BSC has no control over or ability to acquire any additional abutting land under the custody of the School Committee to expand the parking area, and that the lot’s high water table makes the expansion of parking facilities on the lot difficult, if not impossible. The Board further found that a literal enforcement of the Zoning By-law parking provisions would prove to be an undue hardship to BSC, as the co-applicant’s traffic engineer had documented peak parking demands associated with the proposed athletic facility will be less than the 835 parking spaces required by the Zoning Bylaw. In addition, the Board found the proposed peak parking demand occurs after school hours and/or occur during the summer months of July and August when school is not in session, as documented in the *Traffic Impact and Access Study*, dated October 26, 2015 and revised on May 17, 2016, prepared by Bayside Engineering. As a result, the Board found that the sharing of the proposed 495 off-street parking spaces adjacent to the proposed athletic facility would be the most appropriate solution to address the parking requirements for the proposed athletic facility and Braintree High School. Board further found that the requested relief could be granted without nullifying or derogating from the purpose and intent of the zoning by-laws, as adequate parking will be provided for both the high school and the athletic facility, adequate access/egress and vehicular movement on the site will be provided, and the use of the parking area will not have a detrimental impact on the surrounding neighbors.

Decision

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested variance, subject to the plan submitted or to be modified by the Planning Board, provided such plan shows 495 parking spaces to be constructed and subject to the following conditions:

1.) PARKING MANAGEMENT & MONITORING

A.) In order to manage the parking demands for the proposed Athletic Facility, BSC Partners, LLC. shall undertake, within six months of approval by the ZBA, a Special Event Parking Management Plan, that provides:

- Designation of an employee or responsible member for coordinating and implementing the elements of the Special Event Parking Management Plan;
- Necessary contact information for the designated employee responsible for the Special Event Parking Management Plan shall be provided to the Braintree School Committee and Braintree School Superintendent;

- Designation of staff to provide on-site parking management during Special Events;
- When school is in session, special events will be scheduled to occur on a Saturday, Sunday, or after 2 PM on a weekday, in order to minimize or avoid overlaps with peak parking demands within the Athletic Facility and Braintree High School. If a special event is scheduled to occur on a weekday before 2 PM when school is in session, accommodations for such an event will require approval of the Braintree School Committee;
- The start times for sequential special events will be scheduled to minimize coincidental arrival and departure of players and spectators;
- Spectators will be informed in advance by the participating schools that parking will be limited at the site and that car-pooling and buses are highly encouraged; and
- BSC Partners, LLC. will coordinate with the Town of Braintree Police Department prior to the scheduling of special events in order to determine if police details should be retained to manage the flow of vehicles and pedestrians.

The Special Event Parking Management Plan shall be submitted for review to the Braintree Police Department and School Committee prior to the issuance of an Occupancy Certificate by the Division of Municipal Licenses and Inspections.

B.) In order to validate the parking demands of the proposed Athletic Facility, a Parking Monitoring Program shall be undertaken. The Parking Monitoring Program shall commence after issuance of a Certificate of Occupancy for the Athletic Facility and will continue on an annual basis for a period of up to three years thereafter.

The Parking Monitoring Program shall assess/monitor the Athletic Facility's daily and special event on-site parking utilization, based on the on-site parking projections in the Traffic Impact and Access Study (TIA) dated October 26, 2015 and revised on May 17, 2016. The Parking Monitoring Program will include performing parking demand observations associated with the Athletic Facility on a weekday from 7 AM to 10 PM, Saturday from 10:00 AM to 6:00 PM and Sunday from 10:00 AM to 2:00 PM during the month of March following issuance of a Certificate of Occupancy. Said observations will occur annually for month of March, for up to three years. The results of the Parking Monitoring Program will be summarized in an annual report. The report will be provided to the ZBA and Braintree School Committee within two months after the completion of any data collection effort.

2.) OTHER

- A.) BSC Partners, LLC. shall work with the Braintree Police, School Committee and Town Engineer to determine appropriate signage prohibiting on-street parking along the lot's frontage on Town Street. The petitioner shall provide notification to staff, students, attendees and any stakeholders, regarding the prohibition of parking on Town Street.
- B.) An Occupancy Certificate by the Division of Municipal Licenses and Inspections shall not be issued until the on-site parking improvement plans pursuant to the site plan entitled "Layout & Materials", labeled "C-2.0", dated March 16, 2016, and prepared by Level Design Group of Plainville, MA, is constructed by the Co-Applicants, unless said

plan is otherwise modified by the Planning Board through the special permit process, but provided 495 parking spaces are constructed.

- 2) **Petition Number: 16-11**
Petitioner: Bart Steele (c/o Viewpoint Sign & Awning)
RE: 220 Forbes Road

The petitioner has requested an extension of the petition, case number 16-11.

On a motion made and seconded, the Board unanimously voted to continue the petition at the Zoning Board of Appeal meeting on July 26, 2016.

NEW BUSINESS:

- 1) **Petition Number: 16-16**
Petitioner: Gary Gabriel
Property Owner: Life Resources, Inc.
RE: 100 River Street

Gary Gabriel, 10 Sheffield Drive, Braintree, MA 02184, (owner, Life Resources, Inc., 66 Brooks Drive, Braintree, MA 02184) for relief from Bylaw requirements under Chapter 135, Sections 403, 407, 701, and 808 to demolish existing building and construct a new building within the same footprint containing three contractor bays. The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 100 River Street, Braintree, MA 02184 and is within a Commercial District Zone, as shown on Assessors Map 2001, Plot 6, and contains a land area of +/-10,100 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 June 28, 2016 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

Gary Gabriel, the petitioner, explained he is seeking to demolish the existing building, patio and shed on the site and construct a new commercial building containing three contractor bays. Mr. Gabriel discussed the petition before the Board was the subject of a similar 2014 ZBA petition. The ZBA granted the requested relief on June 24, 2014 and was filed with the Town Clerk on July 8, 2014. The decision was registered with the Registry of Deeds on June 24, 2015. However, the petitioner did not exercise the 2014 ZBA approval within one year. The proposed project was approved with conditions by the Conservation Commission on November 24, 2015. The proposed project received Special Permit and Site Plan approval from the Planning Board on April 13, 2016. Mr. Gabriel discussed the new building will be on the same footprint with a small addition to the existing front wall to square off the building. Pavement in the front yard will be extended to provide access to the new building's garage doors. Mr. Gabriel added the new building will have three bays for the storage of contractor vehicles and equipment. All vehicles will be stored inside the new building. A concrete slab will

replace the current building's basement. Lastly, Mr. Gabriel highlighted the proposed project will provide more open space and less lot coverage than the previous use.

The petitioner's lot is nonconforming, as it contains only 10,000 sq. ft., where 40,000 sq. ft. is required, provides only 105 feet of lot width, where 150 feet is required, provides only 104.28 feet of lot frontage, where 150 feet is required, and provides only 72.30 feet of lot depth, where 200 feet is required. Furthermore, the existing structure is nonconforming as it is located 16.3 ft. from the front yard lot line, where 35 ft. is required, is located 16 ft. from the side yard lot line, where 20 ft. is required, and is located 3 ft. from the rear yard lot line, where 35 ft. is required. Accordingly, a finding is required pursuant to M.G.L. Chapter 40A, Section 6.

Pursuant to Section 135-404 of the Zoning Bylaws, the existing structure is considered abandoned, as the building has been vacant/unused for over two-years. Therefore, variances pursuant to Section 135-407 are required to rebuild the existing structure. As such, the proposed building is to be 16.3 ft. from the front yard lot line, where the zoning regulations require a front yard setback of 35 ft. Secondly, the proposed building is to be 16 ft. from the side yard lot line, where the zoning regulations require a side yard setback of 20 ft. Third, the proposed building is to be 3 ft. from the rear yard lot line, where the zoning regulations require a rear yard setback of 35 ft.

An additional variance is required as the proposed parking configuration would result in commercial vehicles backing out onto a public street. As such, relief pursuant to Section 135-808(a) is required.

As grounds for the variances, the existing property is entirely within the designated Floodplain. As the existing property and structure predates many zoning changes, enforcement of the existing zoning bylaws would create a substantial hardship with regard to redevelopment of the blighted property, rendering it unbuildable without zoning relief. In addition, demolition of the existing vacant structure and construction of a new commercial building, will dramatically improve the neighborhood. The project will also increase the total amount of open space on the site, from an existing 38.8% to 48.6%. Furthermore, Mr. Gabriel noted the proposed project has been reviewed by both the Planning Board and the Conservation Commission. The resultant proposed project has received approvals from both regulatory bodies, further establishing the proposal will be within the spirit and intent of the zoning bylaws.

The applicant presented the plan entitled "Site Plan Showing Proposed Addition & Parking at 100 River Street in Braintree, Massachusetts", dated March 25, 2016 and prepared by Neponset Valley Survey Assoc. Inc. of Quincy, MA. The applicant also presented untitled framing and architectural elevations, dated February 16, 2016 and prepared by Rigid of Houston, TX.

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

Findings

The Board found that the existing lot is pre-existing nonconforming in terms of lot size, frontage, width and depth, as noted above. In addition, the Board found that the existing structure is pre-existing nonconforming in terms of the front, side and rear yard setbacks, as noted above. The Board found that the size of the lot and location within a Floodplain provided a basis for the requested relief. The Board found that the petitioner's proposed use was allowed in the

commercial zone in which the property is presently located. The Board found that the proposed new structure reduces lot coverage, increases the amount of open space and removes an existing basement, thereby reducing runoff. The Board further concluded that the resulting structure is not substantially more detrimental to the neighborhood than the existing building and that relief could be granted without denigrating or nullifying the intent or purpose of the Zoning Bylaw.

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 variances from the front, side and rear yard setback requirements and Section 135-808(a), pursuant to Bylaw Section 135-407.

- 2) Petition Number: 16-17**
Petitioner: William Mason
RE: 68 Kimball Road

William Mason, 68 Kimball Road, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403, 407 and 701 to construct a 13 ft. x 25.6 ft. one-story addition, 6.1 ft. from the side yard lot line. 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 68 Kimball Road, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 1087, Plot 14, and contains a land area of +/- 13,000 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, 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 28, 2016 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

William Mason, the petitioner, explained he is seeking to construct a one story addition onto the side of the dwelling. The addition will provide a 4th bedroom, full bath, and increase the size of the master bedroom. The proposed addition will encroach into side yard setback.

The petitioner's lot is pre-existing nonconforming, as it contains only 13,000 sq. ft., where 43,560 sq. ft. is required. However, the property and dwelling were created prior to the Residence B lot size increase to 15,000 in 1957 and lot size increase to 43,560 sq. ft. due to the Watershed Overlay Protection District in 1982. The existing single family dwelling was constructed in 1955. Therefore, a Section 6 finding will not be necessary.

A variance is required for relief from the side yard setback requirements. The existing dwelling is approximately 19 ft. from the side yard lot line. The proposed addition will encroach into the side yard lot line, with a resultant side yard setback of 6.1 feet. The Zoning Bylaw requires a side yard setback of 10 feet.

As grounds for the variance, Mr. Mason described the sloping topography in the rear and right side yard necessitates an addition into the proposed left side yard area. Furthermore, Mr. Mason noted he did not want to build in the front yard area, as it would reduce the usability of the most level area of the property. Mr. Mason also submitted a letter of support from the abutter closest to the proposed addition.

The applicant presented the plan entitled "Plan of Land in Braintree, Massachusetts, 68 Kimball Road", dated May 2, 2016 and prepared by C.S. Kelley Land Surveyors of Pembroke, MA. The applicant also presented architectural renderings entitled "Proposed Existing Front Elevation View" and "Front Elevation View Including New Addition", undated and prepared by Creative Home Improvements of Braintree, MA.

The Planning Board submitted a favorable recommendation. Christopher and Karen Harvey of 60 Kimball Road, submitted a letter of support on May 20, 2016. No one else spoke in favor of or opposition to the petition.

Findings

The Board found that sloping topography within the rear yard and right side yard area presented a hardship with regard to the proposed addition, significantly limiting its placement. The Board found that an addition in the front yard area would reduce the usability of the front yard area. 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 variance from side yard setback requirements, pursuant to Bylaw Section 135-407.

- 3) Petition Number: 16-18**
Petitioner: Ryan Atkinson
RE: 16 Park Avenue

Ryan Atkinson, 16 Park Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403, 609 and 701 to remove an existing breezeway and garage; construct an attached garage with master bedroom above (28'10" x 24') and new full second story (26' x 38'10"). 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 Park Avenue, Braintree, MA 02184 and is within a Watershed Residential B District Zone, as shown on Assessors Map 1080, Plot 59, and contains a land area of +/- 11,668 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 June 28, 2016 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Richard McDonough and Michael Ford, Members; and Michael Calder, Alternate.

Evidence

Ryan Atkinson, the petitioner, explained he is seeking to remove an existing breezeway and attached garage and construct a new attached garage with master bedroom over the garage. The addition would also include adding a full second story over the existing dwelling's footprint, with an 18" overhang on the rear of the second floor. Lastly, an 8.5 ft. x 6 ft. rear deck would be constructed. Mr. Atkinson explained the addition would not create any new zoning nonconformity and would slightly decrease the existing non-conforming rear yard setback.

The petitioner's lot is pre-existing nonconforming, as it contains only 11,668 sq. ft., where 43,560 sq. ft. is required. However, the property and dwelling were created prior to the Residence B lot size increase to 12,500 in 1957 and lot size increase to 43,560 sq. ft. due to the Watershed Overlay Protection District in 1982. Therefore, a Section 6 finding will not be necessary for the existing lot size. However, the existing attached garage is approximately 10 ft. from the rear yard lot line, where the zoning regulations require a side yard setback of 30 ft. The proposed addition will still encroach into the rear yard setback, with a resultant side yard setback of 11.8 ft. However, the proposed additions will not create any new zoning nonconformity. Accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

As grounds for a finding, Mr. Atkinson described the proposed addition will not create any new zoning nonconformity. Furthermore, Mr. Atkinson highlighted the proposed addition will be well designed and comparable in size to the existing housing stock of the neighborhood.

The applicant presented the plan entitled "Plot Plan of Land, 16 Park Avenue, Braintree, Massachusetts", dated March 16, 2016 and prepared by Robert G. Applegate of Milton, MA. The applicant also presented plans and architectural renderings untitled and labeled, "Front Elevation", "Foundation Plan", "First Floor Plan", "Second Floor Plan", and "Left/Right Side Elevation", dated March 13, 2016 and prepared by HOMESTYLEdesigns of Weymouth, MA.

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

Findings

The Board found that the existing structure is pre-existing nonconforming in terms of the rear yard setback, as noted above. The Board also found that the proposed addition to the single family dwelling will not create any new zoning non-conformity and slightly decrease the rear yard setback non-conformity. The Board further found that the proposed additions will be well designed, comparable in size to the existing housing stock, and 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.

**4) Petition Number: 16-19
Petitioner: John McDonough
RE: 44 Judson Street**

John McDonough, 44 Judson Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403, 407 and 701 to construct a new 7 ft. x 5 ft. front foyer within the front yard setback and to construct a 12 ft. x 5 ft. two-story addition within the existing 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 44 Judson Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 2036, Plot 38, and contains a land area of +/- 5,554 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 June 28, 2016 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

John McDonough, the petitioner, explained he is seeking to construct a two story 12 ft. x 5 ft. addition onto the rear of the dwelling. Secondly, Mr. McDonough explained a 7 ft. x 5 ft. one story front foyer/vestibule is proposed. In addition, a conversion of an existing one story garage into a mudroom, pantry and bathroom on the first floor, with a laundry room and bathroom on the second story is proposed. The rear addition will provide an office on the first floor and expanded bedroom on the 2nd floor. The rear addition will not create any new zoning conformity. The proposed foyer/vestibule will encroach further into the front yard setback.

The petitioner's lot is nonconforming, as it contains only 5,554 sq. ft., where 15,000 sq. ft. is required, provides only 76.17 feet of lot width, where 100 feet is required and provides only 74.25 feet of lot depth, where 100 feet is required. Furthermore, the existing structure is 18 ft. from the front yard lot line, where 10 ft. is required. Lastly, the existing rear deck is 12 ft. from the rear yard lot line, where 30 ft. is required. Accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

A variance is required for relief from the front yard setback requirements. The existing dwelling is approximately 18 ft. from the front yard lot line. The proposed foyer/vestibule addition will encroach into the front yard lot line, with a resultant front yard setback of 13.1 feet. The Zoning Bylaw requires a front yard setback of 20 feet.

As grounds for the variance, Mr. McDonough explained the front foyer/vestibule in the front yard area is a common attribute of the Judson Street neighborhood. He further explained the majority of dwellings on Judson Street provide front vestibules or porches within the 20 ft. front yard setback. Lastly, Mr. McDonough added the majority of properties on Judson Street are undersized, resulting in many dwellings deficient with regard to front, rear and sometimes side yard setbacks.

The applicant presented the plan entitled "Plan of Land in Braintree, Massachusetts, 44 Judson

Street", dated March 16, 2016 and prepared by C.S. Kelley Land Surveyors of Pembroke, MA. The applicant also presented floor plans and architectural renderings titled McDonough Residence, Residential Renovation, numbered A100, A101, A102, A200, A201, A202, A203, A300, A301, A302, A303, A304, S100, S101, S102, S103, S200, D100, D101, E100, E101, EX100, EX101, EX200, EX201, EX202, EX203, dated November 18, 2015 and prepared by Pierce Conceptual Design of Quincy, MA.

The Planning Board submitted a favorable recommendation. Joseph L. Potts of 38 Judson Street, provided a letter of support to the Board on June 16, 2016. No one else spoke in favor of or opposition to the petition.

Findings

The Board found that the existing lot is pre-existing nonconforming in terms of lot size, depth and width, as noted above. In addition, the Board found that the existing structure is pre-existing nonconforming in terms of the front and rear yard setbacks, as noted above. The Board further found that the proposed rear addition would not create any new zoning non-conformity and therefore would not be substantially more detrimental to the neighborhood than the pre-existing non-conforming lot and structure. In addition, the Board found the petitioner had presented a hardship with respect to the narrow depth of the lot and the continued use of the dwelling without zoning relief. Furthermore, the Board found size and shape of the lot was a common attribute to the neighborhood and comparable to prior granted zoning relief. Lastly, 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.

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 front yard setback requirement, pursuant to Bylaw Section 135-407, in accordance with the plans submitted.

- 5) Petition Number: 16-20
Petitioner: Paul Tedesco
RE: 15 Ash Street**

Paul Tedesco, 15 Ash Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403 and 701 to construct a new 10 ft. x 15 ft., one story rear addition, within the existing 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 15 Ash Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 2029, Plot 10, and contains a land area of +/- 5,500 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 June 28, 2016 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

Peter Hinman, was on hand representing the petitioner Paul Tedesco. Mr. Hinman explained the petitioner is seeking to construct a one-story, 10 ft. x 15 ft. rear addition, consisting of a master bathroom and closet over a portion of the existing rear first floor.

The petitioner's existing lot is nonconforming, as it contains only 5,500 sq. ft., where 15,000 sq. ft. is required and provides only 55 feet of lot width, where 100 feet is required. The petitioner's existing house is nonconforming as to the front yard setback; the house is located approximately 13 feet from the front yard lot line, while the Zoning Bylaw requires a front yard setback of 20 feet. In addition, the petitioner's existing dwelling is nonconforming as to the side yard setback; the dwelling is located approximately 8.6 feet from the side yard lot line, while the Zoning Bylaw requires a side yard setback of 10 feet. The proposed alteration will not create any new nonconformity; accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

As grounds for the finding, the petitioner noted the addition 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.

The applicant presented the plan entitled "Plot Plan of Land in Braintree, Massachusetts, 15 Ash Street", dated April 21, 2016 and prepared by C.S. Kelley Land Surveyors of Pembroke, MA. The applicant also presented plans and architectural renderings entitled "Tedesco Residence, 15 Ash Street, Braintree, MA", unlabeled, undated and no preparer listed.

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

Findings

The Board found that the existing lot is pre-existing nonconforming in terms of lot size and width, as noted above. The Board also found the existing dwelling is pre-existing nonconforming in terms of front and side yard setbacks. The Board further found that the design of the proposed rear addition to the single family dwelling will be consistent with the existing neighborhood. In addition, the Board found the proposed addition will be within the existing footprint and not create any new zoning nonconformity. The Board further found that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing nonconforming lot and dwelling.

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.

- 6) Petition Number: 16-21
Petitioner: Keith and LeeAnn Dionne
RE: 15 Old Country Way**

Keith and LeeAnn Dionne, 15 Old Country Way, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403, 407, 609 and 701 to construct an 18 ft. x 42 ft.

second story addition above an existing garage and dwelling. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located 15 Old Country Way, Braintree, MA 02184 and is within a Watershed Residential B District Zone, as shown on Assessors Map 1057, Plot 11, and contains a land area of +/- 7,920 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 June 28, 2016 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Michael Calder and Richard McDonough, Members; and Michael Ford, Alternate.

Evidence

Keith Dionne, the petitioner, explained he is seeking to construct an 18 ft. x 42 ft. second story addition above an existing garage and dwelling. The addition will provide for an exercise room. The original proposal included a two-foot overhang of the new addition over the existing garage. However, after discussions with the Zoning Administrator that the overhang would require a variance, the petitioner sought to reduce the overhang to 18" to meet the zoning regulations, pursuant to Section 135-701(7).

The petitioner's existing lot is nonconforming, as it contains only 8,138 sq. ft., where 43,560 sq. ft. is required, and provides only 90 feet of lot depth, where 100 feet is required. However, the existing single family dwelling and property were created prior to the Residence B lot size increase to 12,500 in 1954 and lot size increase to 43,560 sq. ft. due to the Watershed Overlay Protection District in 1982. The existing single family dwelling was constructed in 1951. Therefore, a Section 6 finding will not be necessary for the existing lot size and depth. However, the existing dwelling is approximately 10.5 ft. from the rear yard lot line, where the zoning regulations require a side yard setback of 30 ft. The proposed addition 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 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, better integrate the existing one story garage with the main dwelling, and not be more detrimental to the neighborhood.

The applicant presented the plan entitled "Plot Plan of Land, 15 Old Country Way, Braintree, Massachusetts, dated May 20, 2016 and prepared by Hoyt Land Surveying of Weymouth, MA. The applicant also presented plans and architectural renderings entitled "Dionne Residence, 15 Old Country Way", number 1-5, dated March 16, 2016 with no preparer listed.

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

Findings

The Board found that the existing structure is pre-existing nonconforming in terms of the rear yard setback, as noted above. The Board also found that the proposed addition to the single family dwelling will help integrate the existing one story garage with the dwelling. In addition, the Board found the 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. 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.

- 7) **Petition Number: 16-22**
Petitioner: Batten Bros. Sign Advertising
Property Owner: Seritage Growth Properties
RE: 200 Grossman Drive

Batten Bros. Sign Advertising, 893 Main Street, Wakefield, MA 01880 (owner, Michael Fainer c/o Seritage Growth Properties) for relief from Bylaw requirements under Chapter 135, Sections 407 and 904.2 to construct a 20 ft. x 10 ft. halo lit wall sign displaying Sak's Fifth Avenue/Off 5th. 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 200 Grossman Drive, Braintree, MA 02184 and is within a Highway Business District Zone, as shown on Assessors Map 2019, Plot 4-1, and contains a land area of +/- 34.36 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, 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 28, 2016 at 7 p.m. Sitting on this case for the Zoning Board of Appeals were: Stephen Karll, Chairman; Richard McDonough and Michael Ford, Members; and Michael Calder, Alternate.

Evidence

Edward Batten of Batten Brothers Signs appeared on behalf of Saks First Avenue. Mr. Batten explained the retail store is to be located in the newly subdivided retail space previously occupied by KMart. Mr. Batten mentioned Sak's Fifth Avenue/Off 5th originally requested a permit to install a 20 ft. x 10 ft. halo lit, two panel wall sign displaying Saks Fifth Avenue/Off 5th. However, after discussions with the Braintree Zoning Administrator, the proposed signage dimensions have been reduced to 19' 2.875" x 9' 5.5", totaling 182 sq. ft.

The petitioner seeks a variance from Section 135-904.2(A)(1)(a) of the Zoning By-laws which states no ground sign shall exceed 150 sq. ft. in area. The proposed signage is 182 sq. ft. in total area. The petitioner also seeks a variance from Section 135-904.2(A)(5)(b) of the Zoning By-laws which limits wall signs to four feet in height. The proposed logo sign exceeds four feet as the signs provide for two rows of lettering and will be 9.55 ft. in height. Furthermore, the

petitioner also seeks a variance from Section 135-904.2(A)(5)(c) of the Zoning By-laws which does not allow a wall sign visible to a major highway if a ground sign has permitted. The petitioner has been permitted for signage on two existing pylon signs for the retail businesses at Grossman Drive. Lastly, the applicant seeks a variance from Section 135-904.2(A)(5)(e) of the Zoning By-laws which limits total signage area to one square foot of signage per linear foot of frontage. The linear frontage of the retail space is 155 ft., which would limit total signage square area to 155 sq. ft. However, the proposed signage totals 182 sq. ft.

The Chairman asked where the new retail store would be located. Mr. Batten responded that the former Kmart has been divided into two large tenant spaces, and one small tenant space. Saks Fifth Avenue/Off 5th will occupy one of the larger spaces and Nordstrom would assume the other large space. The smaller space has yet to be leased.

As grounds for the variance, the petitioner noted the proposed signage is comparable, if not smaller than the majority of signage approved on Grossman Drive. Secondly, the petitioner noted the proposed design is simple and not overly intrusive. Furthermore, the petitioner noted the proposed signage is necessary for visibility due to the location of the retail store facing the existing Route 3 highway corridor.

The applicant presented signage plans entitled "Saks Braintree R4", pages 1-3, dated June 23, 2016 and prepared by Sign Crafters of San Marcos, TX.

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

Findings

The Board found that while the wall signage may exceed what is allowed under the Zoning By-laws, the wall sign, when analyzed in relationship to existing signage along Grossman Drive, is appropriate in size and scale. In addition, the Board noted that the new proposed wall sign includes a reduction in overall height and width, as well as total square footage from the original plans submitted. The Board also found that the petitioner had demonstrated the need for relief from the Zoning By-law as the proposed wall sign is necessary to identify the location of the business and for the traveling public to be safely directed to the business. The Board also found that the wall sign will be less prominent, and of a better design than some of the existing signage in the immediate area. As a result, the Board found relief can be granted without resulting in a substantial detriment to the public good and will not nullify the intent of the Zoning By-law.

Decision

On a motion duly made and seconded, the Board unanimously (3-0) voted to grant the requested variances from the Bylaw Section 135-904.2 requirements, pursuant to Bylaw Section 135-407, in accordance with the plans submitted

- 8) Petition Number: 16-23**
Petitioner: Barry and Erica Newell
RE: 23 Massachusetts Avenue

Barry and Erica Newell, 28 Massachusetts Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403, 609 and 701 to construct a new two story

addition (26.2 ft. x 21.5 ft. approximate footprint), 13.1 ft. from 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 at 28 Massachusetts Avenue, Braintree, MA 02184 and is within a Watershed Residential B District Zone, as shown on Assessors Map 1080, Plot 37, and contains a land area of +/- 7,479 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 June 28, 2016 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

Barry and Erica Newell, the petitioners, explained she and her husband are seeking to remove an existing rear deck and to construct a 26.2 ft. x 21.5 ft., two story addition. The addition will include a family room, closet and rear deck on the first floor. On the second floor, two bedrooms and a master bath/closet will be added. The existing footprint of the single family dwelling is approximately 1,226 sq. ft. The existing garage footprint is 360 sq. ft. The total existing footprint is 1,586 sq. ft. (21% building coverage). The new proposed footprint of the single family dwelling is approximately 1,716.23 sq. ft. The proposed garage footprint is 528 sq. ft. The total proposed building footprints will be 2,244.23 sq. ft. (30% building coverage). The total proposed lot coverage will be 3208.75 sq. ft. (43% lot coverage).

The petitioner's lot is pre-existing nonconforming, as it contains only 7,479 sq. ft., where 43,560 sq. ft. is required, and provides only 75 feet of lot width, where 100 feet is required. The existing dwelling is approximately 13 ft. from the front yard lot line on Marion Avenue and 17.4 ft. from the front yard lot line on Massachusetts Avenue, where the zoning regulations require a front yard setback of 20 ft. Also, the petitioner's existing detached garage is nonconforming as to the accessory structures setback requirements; the detached garage is located approximately 3.5 ft. from the side yard lot line, while the Zoning Bylaw requires a setback of 5 feet from the side yard lot line. The proposed addition will be built to the rear and not create any new zoning nonconformity. Lastly, the existing garage will be demolished and meet the accessory structure setback requirements. Accordingly, a finding is required pursuant to G.L. Chapter 40A, Section 6.

As grounds for the finding, the petitioners discussed the proposed rear addition will not create any new zoning non-conformity. In addition, the petitioners noted the proposed addition will be well designed, comparable in size to the existing housing stock, and not be detrimental to the neighborhood.

The applicant presented the plan entitled "Plot Plan, 28 Massachusetts Avenue, Braintree, Massachusetts", dated May 18, 2016 and prepared by Robert G. Applegate, PLS. of Milton, MA. The applicant also presented plans and architectural renderings entitled "Addition to Private Residence", labeled, "Plans of First and Second Floors", and "Garage Elevations", numbered A-1, A-2 and A-3, dated March 30, 2016 and prepared by McKenna Group, Ltd. of Plymouth, MA.

The Planning Board submitted a favorable recommendation. Christopher and Arlene Boyle of 18 Massachusetts Avenue, submitted a letter of support on June 27, 2016. John Demeo of 35 Standish Avenue, asked that the Board ensure any lighting as part of the plans not be directed toward his property. 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 that the dwelling is pre-existing nonconforming in terms of the front setbacks. The Board also found that the existing detached garage is pre-existing nonconforming in of the side yard setback for an accessory structure. The Board also found that the proposed addition to the single family dwelling will not create any new zoning non-conformity. The Board further found the existing garage will be replaced with a garage that meets the accessory structure setback zoning requirements. Lastly, the Board found that the proposed additions will be well designed. Therefore, the Board concluded the proposed addition would not be substantially more detrimental to the neighborhood than the existing nonconforming lot and 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.

APPROVAL OF MINUTES:

On a motion made and seconded, the Board voted 3-0 to accept the May 24, 2016 meeting minutes.

EXECUTIVE SESSION:

On a motion duly made and seconded, the Board unanimously (3-0) voted enter into executive session.

On a motion duly made and seconded, the Board unanimously (3-0) voted close the executive session.

The Board adjourned the meeting at 10:00 pm.