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**TOWN OF MILTON**

2020 APR 13 P 3:51

**PLANNING BOARD**

**525 CANTON AVENUE**

**MILTON, MASSACHUSETTS 02186**

TEL 617-898-4847

## **Findings and Decision Site Plan Approval**

Date: April 10, 2020

Applicant: Dr. Elon Joffre for Bryant Avenue Holding LLC

Site Address: 25 Bryant Avenue  
Milton, Massachusetts 02186  
Milton Map H 9 11

### **A. Procedural History**

1. An Application for Site Plan Approval was filed by the Applicant for 25 Bryant Avenue on March 11, 2020.
2. A public hearing of the Planning Board was held on March 26, 2020 and continued to April 9, 2020.
3. All materials submitted by the Applicant were reviewed by the Board. Throughout its public process and deliberations, the Board considered these submitted materials as well as statements and representations of the Applicant, its consultants and representatives, Town officials and the public.

### **B. Site Plan Approval Criteria**

1. Section VIII Subsection D.1 (b) of Chapter 10 of the General Bylaws of the Town of Milton (the "Zoning Bylaw") requires that the "construction, reconstruction or alteration of more than 800 square feet of a commercial building shall be in conformity with a site plan bearing the endorsement of approval by the Planning Board." This requirement applies if there is to be any change in the exterior appearance of the building. The applicant "shall show, among other things, zoning boundaries, existing and proposed topography, all existing and proposed buildings, their uses, elevations, parking areas, loading areas, driveway openings, service areas, and all other open space areas, all facilities for sewage, refuse and other waste disposal, and for surface and subsurface water drainage and

all landscape features (such as walks, planting areas with type and size of stock, trees and fences), lighting fixtures and patterns and signs on the lot."

2. In considering a plan under Section VIII Subsection D, "the Planning Board shall assure, to a degree consistent with a reasonable use of the site for the purpose permitted or permissible by the regulations of the district in which located:
  - i. protection of adjoining premises against detrimental or offensive
  - ii. convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements
  - iii. adequacy of methods for disposal of sewage, refuse and other wastes resulting from the uses permitted or permissible on the site, and the methods of drainage of surface water
  - iv. adequacy of space for off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment
  - v. proper use of the site with respect to unit density and proximity of adjacent buildings to each other
  - vi. the adequacy of lighting to maintain a safe level of illumination on the site and whether lighting is properly shielded to protect adjacent properties."

#### C. General Findings of Fact

1. The project site, which is in a designated business district, consists of one 3470 square foot lot occupied almost entirely by one two-story wood frame building with a basement constructed in 1972. The Applicant proposes to continue the existing office use on both floors, and to completely renovate the ground floor for medical office use while using the second floor as is, except for cosmetic improvements.
2. Because the building was constructed in 1961 and the use is not changing, the building is exempt from the off-street parking requirements in Section VII Subsection C.5 of the Zoning Bylaw.
3. Section VIII, Subsection D of the Zoning Bylaw requires site plan approval for the construction, reconstruction or alteration of more than eight hundred (800) square feet of a commercial building if there are exterior changes to the building. The exterior changes proposed for this building are new siding on the second story of the building, new, larger windows on the second story, replacement windows on the first floor with trim modifications, a new first floor door facing Boulevard Street, and the lowering of the entrance door height of the existing door facing Bryant Avenue.
4. In conformance with the requirements of the Zoning Bylaw the Applicant submitted the following exhibits to the Board:

- i. A Site Plan Approval Application dated March 11, 2020 including a Site Plan by Stephen DesRoche, PLS, dated March 7, 2020.
- ii. Conceptual architectural layout plans for the first floor of the building, and exterior elevation plans for the building by Lazarus and Sargeant dated February 24, 2020.
- iii. A GIS plan.
- iv. An assessor's record.
- v. The owner's deed.
- vi. A plan of the proposed layout alteration for the future Mass DOT reconstruction of East Milton Square.
- vii. Color elevations for siding choices.

#### D. Considerations During Planning Board Review

The Planning Board has considered the plans and written documents submitted and the presentation by the applicant and his architect and feels that the applicant has met the standards for granting approval based upon the following:

1. The applicant has provided protection for adjoining premises against detrimental or offensive uses on the site by providing the following site plan features:
  - a. working within the existing structure and continuing to use all existing provisions for utilities, water, sewer and waste removal.
  - b. Making no changes to or adding to existing external lighting.
  - c. Addressing existing handicapped access issues by lowering one doorway on Bryant Avenue to ground level and constructing a new doorway on Boulevard Street, at ground level.
  - d. Creating new, larger and more attractive second floor windows.
  - e. Replacing aging siding with new, contemporary siding in a dark color, probably a dark bronze.
2. The Applicant has shown that there will be convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements, to the extent presently available. The building is at the corner of Boulevard and Bryant Avenue both of which have sidewalks and marked parking spaces and handicapped parking spaces. The applicant has requested that the Traffic Commission change permit parking spaces on Bryant Avenue to two-hour parking, which request has been taken under consideration.

3. The Building occupies its entire lot and has no off-street parking. The Applicant has proposed a redevelopment use that is the same as the existing office space use, and will rely on public, on-street parking spaces. Because the building was constructed in 1961 and there is no change in use or increase in size, it is exempt from off-street parking requirements.
  
4. The Applicant will continue to use all existing water, sewer and utility connections.
5. The Applicant will continue to use the first-floor access door on Bryant Avenue and the new door on Boulevard Street for deliveries.
6. This medical office re-use proposal is located within a nonconforming structure that was constructed in 1961, and no buildings are being added to the site nor is the unit density to change. Therefore, the applicant has shown proper use of the site with respect to unit density and proximity of adjacent buildings to each other.

#### E. Decision

In consideration of the above, the Planning Board has determined that the office re-use reconstruction and external improvements proposed for 25 Bryant Avenue meet or exceed the minimum standards for site plan approval in the business district, and therefore the Board approves the site plan subject to the following conditions:

1. These terms of site plan approval shall remain in force and enforceable for so long as the premises are used as described in this decision, as office space. Any amendment of these terms shall be made upon the applicant's application and after a hearing before the Planning Board except insofar as the Planning Board has reserved the specific power to amend.
2. The premises shall be used upon the terms and conditions proposed and agreed to by the applicant and described in this decision.
3. All work shall be done substantially in conformance with the site plan and conceptual architectural plans on file with the Milton Planning Board, and in accordance with the representations made by the Applicant during the public hearing process. Any modifications in the plans for first floor doorways in accordance with state architectural access code requirements or a decision by the State Architectural Access Board shall be allowed.

4. The exterior of the building shall be reconstructed substantially as shown on the "Architectural Elevations Plan" submitted on February 24, 2020.
5. External signs shall conform to the Town of Milton's Zoning Bylaws and shall be approved by the usual process.
6. This site plan approval is granted subject to compliance with all other applicable laws, bylaws and regulations.
7. This Site Plan Approval may be amended by the Planning Board in accordance with the required procedures, depending upon whether the Planning Board determines the amendment to be an insubstantial or substantial change. The conditions of this site plan approval may be amended, altered or other conditions may be imposed at any time and from time to time by the Planning Board after notice and hearing. The Planning Board may exercise such right to amend upon notification by the Building Inspector or other Town officials that there is repeated violation of the provisions herein and the procedure for amendment shall be subject to the usual requirements for notice, advertisement and a hearing.
8. This Site Plan Approval shall be binding on the Applicant including successors and assigns and its provisions shall be enforceable against the Applicant including such successors and assigns.
9. Violation of any condition contained herein or failure to comply with the site plan shall subject the Applicant to zoning enforcement action in accordance with the remedies set forth in G.L. c. 40A and all other appropriate legal remedies.
10. This site plan approval decision shall be recorded with the Norfolk County Registry of Deeds by the Applicant at its own expense within 30 days of its becoming final. There shall be a marginal reference in the deed of the Owner to this Site Plan Approval.
11. This Site Plan Approval is subject to the requirement that the Applicant obtain all other approvals required from regulatory boards.

On a unanimous vote to support these findings, the Planning Board instructs the Planning Director to sign for the Board.

William B. Clark, Jr.  
William B. Clark, Jr.  
Director of Planning & Community Development

Executed at Milton, Massachusetts the 10<sup>th</sup> day of April, 2020.

