

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
January 31, 2024, 7:00 p.m.
Weymouth High School, Humanities Center
1 Wildcat Way, Weymouth, MA 02190

RECEIVED

2024 FEB 29 P 4:02

TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

Members Present: Kemal Denizkurt, Chairperson
Brandon Diem, Clerk
Carsten Snow-Eikelberg
Nicole Chin
David Kabasin, Alternate

Also Present: Eric Schneider, Principal Planner

Recording Secretary Janet P. Murray

Chairperson, Kemal Denizkurt, called the Board of Zoning Appeals meeting to order at 7:00 p.m. in the Weymouth High School - Humanities Center, 1 Wildcat Way, Weymouth, MA 02190 and explained the procedures that would be followed to the people present.

Old Business:

Case #3502- (Hearing Continued Until 2/28/2024) The petitioner, Pond Street Acquisitions, LLC, for property located at **505 Pond Street & 1537 Main Street** also shown on Weymouth Town Atlas sheet 61, block 639, lots 4 & 7, located in the B-1 District. The petitioner is seeking to:

Special Permit	120-25 (A), (B), and (C)
Special Permit	120-40 extension or change by special permit

The subject property is a 71,581 sf parcel of land with a 40,950 sf warehouse building that was previously Factory Paint & Decorating store and a 19,178 sf parcel with an unoccupied single-family dwelling. Petitioner proposes two buildings, 9,710 sf and 7,916 sf, totaling 17,626 sf. The uses will include restaurant and retail operations, a drive-through lane, a mobile-order pick-up window, and a modest outdoor seating area. The remainder would be parking, vehicle aisles, & landscaping.

Ms. Snow-Eikelberg made a motion to continue the public hearing on **Case #3502** until 2/28/2024 which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

New Business:

1. **Case #3519-** The petitioner, Donald Kiely, for property located at **82 Saning Road** also shown on Weymouth Town Atlas sheet 10, block 124, lot 32, located in the R-1 district. The petitioner is seeking to:

Special Permit	120-40	Extension or change of a non-conformity
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The subject property is an 8,200 sf parcel of land with a single family home. The applicant seeks to remove attached breezeway and garage and put up a new garage.

Ms. Snow-Eikelberg made a motion to open the public hearing on **Case #3519** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Ms. Snow-Eikelberg made a motion to waive the reading of the public notice which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

David Gilberto appeared before the board along with the applicant; he stated that he is working with Don Kiely on the project. He continued that they are looking to tear down the existing structure as it sits and then rebuild on the same footprint but squaring it off. The structure was built in the early 1950s; the concrete foundation, the existing garage slab, the structure itself is in disrepair.

Mr. Denizkurt asked if the structure, currently a one-story garage, will remain as such.

Mr. Gilberto stated that it will remain a one-story garage. There is only electric utilities. He added that there are two existing parking spaces that will remain.

Mr. Denizkurt questioned if there would be any further encroachment to the neighbor's property lines.

Mr. Schneider stated that staff has no issues. As pointed out, the side property line is already not conforming and will be extended a small amount. He noted that they originally tried to keep this out of the Board of Zoning Appeals (BZA) because it is so close, and the building inspector actually suggested notching in that addition by a foot to stay out of the board. However, from an architectural and common sense standpoint, that really doesn't make sense.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was no response.

Mr. Schneider stated that architectural plans are on file that show the finished product and they are fine with that.

Ms. Chin made a motion to close the public hearing on **Case #3519** which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Ms. Snow-Eikelberg made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3519**.

SPECIAL PERMIT

1. The specific site is an appropriate location for such use.

2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is no potential for nuisance or serious hazards to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities, and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served by the proposal.

The motion was seconded by Mr. Diem. UNANIMOUSLY VOTED.

2. **Case #3520-** The petitioner, David Ho, for property located at **168 Neck Street** also shown on Weymouth Town Atlas sheet 8, block 108, lot 11, located in the R-1 and B-2 districts. The petitioner is seeking to:

Special Permit 120-40 Extension or change of a non-conformity

The subject property is a 11,865 sf parcel of land with a two family home. The applicant seeks to add an addition to add a first floor bedroom to one of the units.

Ms. Snow-Eikelberg made a motion to open the public hearing on **Case #3520** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Ms. Snow-Eikelberg made a motion to waive the reading of the public notice which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

David Ho, 168 Neck Street, appeared before the Board. He stated that he would like to build an extension with an extra bedroom on the first floor of the existing building on the left side. He pointed out that he is not changing the structure of the building.

Mr. Denizkurt questioned if the property is an existing two-family and in a split zoning district of R-1 and B-2.

Mr. Ho stated that is correct.

Mr. Schneider stated that it is primarily R-1. The reason it is in front of the board is because it is a legally pre-existing two family in an R-1.

Mr. Denizkurt asked if there would be further encroachment of any setbacks and if there is only one level.

Mr. Ho stated that there would be no further encroachment and the addition will be one level.

Mr. Denizkurt questioned the number of parking spaces on site.

Mr. Ho stated that they are able to park four cars on the driveway and this will remain the same.

Ms. Snow-Eikelberg asked if the deck is being extended.

Mr. Ho stated that there is an existing deck on one side but not the other and they are not adding one to that side.

Mr. Schneider stated it should be noted that this is adding living space to an existing unit, which doesn't represent any additional units that it remains a two family.

Mr. Denizkurt asked if there was anyone present who would like to speak; there was no respond.

Mr. Kabasin asked the applicant if he had reached out to any neighbors about this project.

Mr. Ho stated that he has not. He is going by the building code and figured that the land is big enough. He noted that he is building the first floor bedroom for his parents, so they do not have to walk up to the second floor.

Mr. Schneider noted that the town does notify all of the abutters and abutters to abutters within 300 feet. Notices are sent directly to their houses and they have the opportunity to comment prior to the meeting or to come to the meeting and make comment. No feedback has been received any feedback.

Ms. Snow-Eikelberg made a motion to close the public hearing on **Case #3520** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Ms. Snow-Eikelberg made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3520**.

SPECIAL PERMIT

1. The specific site is an appropriate location for such use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is no potential for nuisance or serious hazards to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities, and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served by the proposal.

The following condition will apply:

- The home will remain a two-family as this does not constitute an additional unit in the building.

The motion was seconded by Ms. Chin. UNANIMOUSLY VOTED.

3. **Case #3521- (Hearing Continued Until 2/28/2024)** The petitioner, Patrick J. Foley Esq., for property located at **64 Pond Street** also shown on Weymouth Town

Atlas sheet 49, block 555, lot 4, located in the R-2 district. The petitioner is seeking to:

Variance	Dimension	Table 1
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The subject property is a 13,819.6 sf parcel of land with a two family home. The applicant seeks to demolish existing two-family and build three townhouses.

Other Business

1. Minutes: 11/15/2023, 12/6/2023, 12/13/2023

Ms. Snow-Eikelberg made a motion to approve the minutes from 11/15/2023 which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Ms. Snow-Eikelberg made a motion to approve the minutes from 12/6/2023 which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Ms. Snow-Eikelberg made a motion to approve the minutes from 12/13/2023 which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

2. Upcoming Meetings: February 28, 2024

3. ADJOURNMENT

Ms. Snow-Eikelberg made a motion to adjourn at 7:15 p.m. and was seconded by Ms. Chin. VOTED UNANIMOUSLY.

Approved by: 
Mr. Diem, Clerk

2.28.24
Date