

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
March 27, 2024, 7:00 p.m.
Weymouth High School, Humanities Center
1 Wildcat Way, Weymouth, MA 02190

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TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

Members Present: Kemal Denizkurt, Chairperson
Brandon Diem, Clerk
Carsten Snow-Eikelberg
Nicole Chin
Jonathan Moriarty, Vice Chair
Jonathan Lynch

Also Present: Monica Kennedy, Planner
Rick McLeod, Town Solicitor

Recording Secretary Eric Schneider and Monica Kennedy

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.

Chair Kemal Denizkurt, after recusing himself from the public hearing, turned the meeting over to Vice Chair Jonathan Moriarty.

Mr. Moriarty asked for and received a MOTION to open the public hearing for Case #3473. Unanimously approved.

Mr. Moriarty stated that, although everyone's opinion was important, he did want to give the Cypress Street residents the first opportunity to speak once public comment was opened. Mr. Moriarty then turned the meeting over to Rick McLeod, Town Solicitor.

Mr. McLeod introduced himself to the Board and informed them that he represented them in two actions currently pending in Land Court. At the direction of the administration and Mayor Hedlund, the Town agreed to a second remand because, after further discussions, there was concern about the entrance of this facility, which we don't believe was clearly articulated to the zoning board.

The Mayor authorized the Town to agree to a second remand and both parties filed a joint motion for remand which was allowed by the Land Court. Both cases are stayed pending the outcome of this case. The floor was turned over to Attorney Jeff Tocchio representing the applicant, McDonald Keohane Funeral Home.

Attorney Tocchio started by reminding everyone that the purpose of the proposed addition to the funeral is to solve existing deficiencies in a funeral home that has been in operation since 1961. The building was a retrofitted home and no longer adequately served the needs of a modern funeral business. Attorney Tocchio continued:

The concentration before has always been from one plan iteration to another. And I think that's perhaps one of the reasons that things got a little confused if you will. What I'd like to do is concentrate on what is proposed versus what is existing so we can just go to an apples-to-apples comparison. As we go forward.

Remember this is to solve existing inefficiencies. This funeral home has been there since 1961. That's 63 years. You got prior testimony with respect to just how it's laid out, basically it was a home. It was retrofitted whether it's insulation, the size of the rooms, no fire protection, etc. It's got a lot of issues going forward with the evolution of how people bereave. There's an opportunity, or a necessity to move forward with upgrades to the building. You remember it's got two small parlors that it relies upon...these two chapels that are approximately 600 square feet each. There are insufficient bathrooms, accessible offices, and no true internal cueing whether it's from the front door or even the side door. We all perhaps go there, but you may go there once every five years. You're always invested in what's happening and what's there for service and you don't get an opportunity to look and critically assess what is there. Additionally, you'll remember on the south side of the building, there's a body transfer bay, which is external. Currently, those are required to be internal so a hearse or basically a van will pull up and they actually have to go behind a plastic fence with tarping and tenting and transfer the body and that occurs on the south side of the building now. The changes that we're looking at are to solve these problems.

If we look at what I have on the screen today, it's what you're looking at today on the right. That's the East and you can see Main Street is over to the right. As you come in up at the top of the North, you've got dropping down that front parking lot, which is not going to be changed, that's all going to remain. You then go up and either swing under the porte cochere at the front main entrance or, what most people do, is they continue along the north side of the building. You can see the arrow and it winds up being a loop that goes around.

There are 11 spaces today in a single row up at the top that exist today. When you then turn the corner, you can see in the yellow, those we'll call the South and West spaces. There are 41 that exist there today. So, the cars will come up. If they choose to go, you know, many go to the front lot. Others go up and around the building, they only see one row on the north and then they swing around the back and that's currently where the ample parking is and again in the yellow is 41. Excuse me, next, if I can put up the proposal is a rendering that we've previously submitted and what it does is it shows proposed condition. So, if you're coming up the driveway, you go past that front lot, which will be to your left. This is what you will now see on the north side of the property. And if you look at it, you can now see parking banks which were over to the right up against the North property line. And then you can start to see some parking spaces which are against the building. On the north side, you can see that there's a wider aisle there today or excuse me as proposed and that's how it all lays out. What you cannot see as you get around the back you can see a little bit of a bump out on the backside of the building is that is where we have an enclosed body transfer Bay. So instead of having the bodies transferred on the south side behind the plastic fence, it actually will conform to the requirements of the regulations in Massachusetts to be able to have the vehicle back in. Then there's an actual lift that allows for equipment to be dropped down to the lower level of the building. This is the proposed configuration. The blue remains on the north side, you'll remember there were 11 or 11 there today, we're able to shift parking 30 basically, 33 spaces, and now being shifted to the north side of the

building. You can see that's an additional 22. So that's important. Again, as part of listening to comments, we made all our efforts to get that up to the north side.

The importance of that is when people visit they come through if they don't go into that front lot on the east, they then will come up through where they will have available 33 spots. They're going to then go past that main door which exists today will exist as a primary entrance going forward, and that's under the porte cochere so they will either be able to go into that front entrance or there's then the ramp which is on the south side. There's an existing ramp today which leads to a public entrance on the south side. So that's not going to change from a functional perspective. But from a design perspective, you'll remember I believe that that is it's now behind 30 plus bushes that screen all of that going up into that area. Today. I should also tell you, if I don't remember there's a stairway that leads from that South door at the end of the ramp down into the south lot that will be eliminated and that was one of the requests that was made to us. So that is eliminated. If you use that south entrance going forward, if you're to use it to egress, you're going to have to get on the ramp heading east down towards where the entrance is, and you will then discharge in the area down next to where the main entrance is. Again, the main entrance will remain an available option for people to enter.

We had 41 spaces in the original plan but going forward there will only be 38. So, we've got a reduction of three spaces. And you'll see that back corner in the southwest. That's all there are no parking spaces around that elbow, which is down in the southwest that all will be lawn after, or immediately next to that, and then there's going to be the eight-foot-high solid cedar fence, and then behind that we propose to leave it as it all is existing. So, we'll have that all remain. That's going to be three levels of protection. Today there's only a six-foot fence which is made of plastic, and it's four and a half feet with a foot and a half of lattice. You can see through it. Green Arborvitaes will also be added.

There are seven total spaces proposed new in the R-1 zone and again, R-1 zone zoning is frozen, it's all allowed, with no distinction between the two and they both require the Special Permit. In those consist of seven which are in the yellow against the back of the building and there's a condition that was in there concerning those as far as whether they use for employees etc. And then there are four up at the top against the treatment center property line as well. So, we've got a total of seven in there all located as far away from you know the properties down on Columbia.

Condition number 10 in the last package that was voted upon has been enhanced even further making it clear that again, the main street entrance remains as an entrance. That's something that's not going to change. There are 21 special conditions, they all remain the same. You'll remember we went through all of them. Number 10 is the one that is very specific to ensuring the entrances and the others all remain as was developed by the board up to the point that went in for the vote at a majority but not the super-majority which is required total. What we're looking at is 16 additional exterior spaces. So, if we do a net, we look at where they all go with the reductions the increases and it gets it up to 100 exterior surface spaces. Additionally, you'll recall that there are four spaces and the garage accessory to this use is also in the zone would require a special permit as well as opposed to the three space currently. There's a there's a garage, kind of a block, flat rate garage there today. It's kind of the epitome of a 1960s cinderblock garage. Proposed is a hip roof, basically a residential standard with Hardy clapboard windows, etc. I mean it's extremely attractive in the point for that is it's up it's located up in the northwest corner, we got it far away from where the residential receptors are. And if that is not there, the four vehicles that will go in it which will be on the body transfer vehicles, hearse, etc. Just will

continue to be parked outside with winter rain mud, it's you know, it's just not an ideal situation. If they can garage them. They're out of sight and you know it's a nice way of cleaning up the sight of cars when it's not necessarily having services current that everything that's what I've got for my list. Thank you. I just wanted to keep it short. I can answer any questions and be happy to do that.

Ms. Snow-Eikelberg asked if there was also a rear emergency exit. Atty. Tocchio stated that there were two additional egresses in the rear but that they were not public.

Mr. Moriarty clarified with **Mr. Tocchio** that there are presently 84 surface parking spaces and that is increasing to 100 with this proposal. There are an additional 4 proposed in the new garage for 104 in total. Mr. Tocchio and Mr. Moriarty agreed that this is 5 fewer spaces than the last time the proposal was in front of the Board. Also, 5 of those spaces are handicapped only.

Mr. Diem asked whether a queuing diagram had been developed for the new plan. Mr. Tocchio replied that each entrance would have limited queuing space under cover and that after that people would be temporarily left outside. The new lobby will help to absorb people and provide restrooms. Mr. Diem followed up asking what the magic number is before additional guests cannot be absorbed. Mr. Tocchio responded that he believed it was hundreds.

Mr. Moriarty and **Mr. Tocchio** discussed the final square footage of the final proposal and confirmed the height of the garage was 21 feet.

Ms. Chin asked whether additional guests could be directed to the north of the building rather than the south. Mr. Tocchio agreed.

Ms. Snow-Eikelberg asked for a recap of the required and provided spaces being provided. Mr. Tocchio recalled that the final number of spaces was arrived at through working with the Town with a goal of reducing on-site spaces and utilizing abutting off-street spaces.

Mr. Moriarty stated that he liked how the parking was split between north and south and how the seven in the rear would be the least appealing as it required a longer walk.

Mr. Tocchio added that Condition #21 states that the rear spaces will be used as a "last resort".

Mr. Tocchio also reviewed the lighting plan and said that the proposed modern lighting would result in much less spillover to the abutters. He also recapped the landscape and fencing plan. He then discussed the significant drainage improvements that are proposed for Cypress Street and reiterated that the residential home on Cypress would remain as is and is not part of the current plan.

The time to install the new water line was estimated to be between 30 and 60 days.

District Three Councilor Ken DiFazio

Mr. DiFazio thanked the Board for their work on this case over the year and thanked the applicant for continuing to amend their plan based on neighborhood comments. Mr. DiFazio asked for a show of hands from the audience who considered themselves direct abutters. Several hands were raised. Mr. DiFazio stressed the importance of this very important subset of the people in attendance. He reminded the Board that this application requires a Special Permit as it could possibly have a detrimental impact on the neighborhood. Mr. DiFazio asked the Board to carefully consider the five criteria required for the

granting of a Special Permit. Any applicant understands the risk of requesting a Special Permit and again asked the Board to give serious consideration to the comments and concerns of the residents in attendance.

District Five Councilor Gary MacDougall

Mr. MacDougall gave his thanks to the Board, the applicant, and the abutters for their patience during this process. Councilor MacDougall understands the sentiment of the abutters having spent thousands of dollars in defending their neighborhood and property values. As the District Councilor for this area, he echoed Councilor DiFazio's sentiment that the opinion of the abutters was of high importance and that the Board should look carefully at the five criteria that need to be met in order for a Special Permit to be granted by the Board. The Councilor stated that he felt that the project was detrimental and invasive to the neighborhood. During the winter, the residents will see the large addition and be subjected to additional traffic which should be factored into the analysis of the five criteria.

Mary Hay, 19 Sargent Road

Mary expressed her disbelief that this issue was back before the Board after previously being denied twice. She stated that there had been no changes to the plan since September of 2023.

Mr. Moriarty interjected to ask where Ms. Hay's home was located relative to the proposal. Ms. Hay restated that she lived on Sargent Road, one street over from Cypress. Ms. Hay further stated that she had originally been considered a direct abutter when changes were proposed for the home on Cypress but that had changed as the plans had changed. Mr. Moriarty allowed Ms. Hay to continue but again asked to hear from direct abutters first.

Ms. Hay continued stating that there were still one hundred proposed parking spaces, 12 of which were located within the R-1 District and there is still a 52-foot-long commercial garage also located within the R-1. The addition is still 5,500 square feet making the future building approximately 11,000 square feet. There is still a large hall holding up to 200 people when they originally stated that they needed room for 60. Further Ms. Hay stated that there was still a new entrance facing the abutters on Cypress where people would line up to access the new addition. Directing people to the side entrance and to the newly built lobby has been a feature of the plan from the beginning. Ms. Hay stressed that this side entrance will be the new main entrance to the facility.

Continuing, Ms. Hay again stated that there have been no changes to the plan since the most recent court remand. The new application only adds a condition that the front entrance will remain open although the applicant has never stated otherwise. Does this really warrant a new vote, Ms. Hay asked. There is no intention to use the front entrance as a main entrance regardless of how Attorney Tocchio tries to spin it. Previously the applicant had stated that the front entrance would only be used on special occasions. At the last meeting in response to a question from Mr. Diem, Attorney Tocchio stated that the front entrance may be used as an exit only and that the side entrance will be the main entrance for both handicapped and able-bodied guests. Ms. Hay stated that these statements among others demonstrate the applicant's intention to use the side entrance as the main entrance. Attorney Tocchio now states that the side entrance has always been used to line up people prior to entrance. Ms. Hay has lived in the neighborhood for 40 years and had never once been asked to line up to enter from the side. Historically, lines have always been queued at the front entrance. Per Ms. Hay, the neighborhood knows

that the south (side) entrance will become the main entry point as Mr. Keohane and Attorney Tocchio have stressed that fact over the past three years and that this new southern entrance will be a nuisance and more detrimental to the abutting neighborhood. Ms. Hay concluded by asking the Board to continue its opposition of the proposal.

Mr. Moriarty asked Ms. Hay whether the proposal was in sight line of her property and whether the lights would impact her. Ms. Hay stated that, particularly during this time of year, she could see it. Mr. Moriarty asked whether Ms. Hay was impacted by funeral home traffic currently. She responded that, yes, she was impacted by traffic on Route 18 related to the funeral home including significant delays driving from the Route 3 ramp to her home. Mr. Moriarty then asked whether Ms. Hay had experienced any drainage issues on her property. Ms. Hay responded, no. Finally, Ms. Hay stated that she could not yet be sure if the addition would impact shading on her property.

Laura Fallon, 159 Columbian

Ms. Fallon stated that she is a direct abutter, second in from the left. She stated that she felt that this proposal was wrong and not appropriate in a residential neighborhood. Specifically, Ms. Fallon listed the following concerns:

- Traffic – Questioned the finding of the applicant’s traffic study which indicated that the addition would not have a negative impact on traffic in the area. The study showed a 40% increase in traffic, but that figure was based on the previous business model and not the new business model that includes an additional 5,500 square foot function hall. The new model accommodates up to 200 people, which could represent 100 cars leaving the facility simultaneously. Further, Ms. Chin had expressed concerns over the potential congestion within the confines of the applicant’s lot. Ms. Fallon envisioned all of these cars idling as they attempted to merge and exit onto Route 18, causing a disruption to abutters. She continued that the traffic study only looked at data between the hours of 4 and 8 PM and does not consider the increased traffic resulting from the enlarged function hall. Additionally, the two intersections on either side of the funeral are in the top 5% of intersection crash locations in Weymouth per the MassDOT website. Ms. Fallon asked the Board to imagine the impact of an additional 100 cars leaving the funeral home with an attendant stopping Route 18 traffic to allow the exits. This will create a nuisance.
- Ms. Fallon questioned whether the voices of the residents meant anything given the fact that they are all here again after the proposal had been previously denied twice. Further, Solicitor McLeod had stated up to 6 times that the side entrance was “non-negotiable” but it now appears negotiable. The neighborhood group was not even notified of the remand although they had been told they would be kept abreast of the case. Ms. Fallon stated that the neighborhood is being portrayed as the enemy even though all they are trying to do is protect their neighborhood.
- The meeting tonight is odd in that nothing in the proposal has changed since September. Nothing has changed to warrant a new vote. Ms. Fallon stated that the neighborhood was confident that the facts supported the continued rejection of the plan but acknowledged that their right of appeal in Land Court remains. She wonders if the new remand is more about the Town protecting itself from a potential lawsuit for acting in bad faith. As nothing about the proposal has changed, neither should the vote of the Board to deny.

Laurie McGrath, 165 Columbian Street

Ms. McGrath stated that she was still 100% opposed to this project and that it will, in fact, be more detrimental to the established character of the neighborhood. Despite Attorney Tocchio referring to the area as a “medical mecca”, it is the residents in the neighborhood that will be adversely affected by the creation of the “funeral home mecca”. The term “medical mecca” is misleading as no other commercial enterprise encroaches into our backyards. The pain of this process has been going on for three years and has resulted in having to arrange for childcare to continue the fight for the neighborhood. The expansion of the funeral home will ruin my children’s quaint and quiet neighborhood. There is still nothing inconspicuous about this project and is the opposite of the reasons funeral homes were previously allowed in the R-1 District. The expansion is not appropriate in this area and will be detrimental to our neighborhood. Ms. McGrath continued by stating that “condition 19” was not what had been agreed upon and that work was to be conducted between 8 and 5 on workdays, not weekends. Our kids should not have their weekends ruined by construction. If this project is approved our quiet neighborhood will be destroyed with the constant flow of strangers.

Ms. McGrath stated her amazement that this meeting had to happen because two “well-educated individual” were confused about the entrances even though it was clearly said that the side entrance would be used for mid to large sized events. These events are the concern and this clarification should, in no way, change the vote. Ms. McGrath finished by reiterating that the proposal does not meet the five criteria and that the Board should continue to vote this proposal down.

Ms. Snow-Eikelberg asked Ms. McGrath for clarification on the need to modify condition 19. Ms. McGrath reiterated that the condition should be modified to reflect work hours of 8 to 5 on weekdays only.

Sonia Poulin, 143 Columbian Street

Ms. Poulin expressed concern about both the size of the addition and the new entrance on the south side of the building which will welcome additional disturbance just feet from her property line. All of the homes along Columbian Street have decks, patios, second story windows that overlook what is currently a wooded area. This will detrimentally change if this project is approved. The neighborhood is where families barbeque, garden, and live our lives. 809 Main Street is not an appropriate place for this expansion. This represents an 11,000 square foot complex in my backyard. Keohane owns several funeral homes nowhere near the size of this so this venue will become where the applicant steers the larger events to. The proposed fencing and plantings are not adequate to mitigate the impacts.

Marybeth Bernard, 19 Sargent Road

The question before the board tonight remains does this project meet the town's five criteria for a special permit? The neighbors remain united that this plan is too large and intrusive and does not meet all of the five required criteria needed for the four special permits that would be approved by this board. This proposal is not an appropriate location for this project. The project will add an addition to the existing funeral home in the rear nearest the residential neighborhood that will double its size, making it twice the average size of funeral homes located on the south shore. The proposed 45 by 64 Chapel will be able to accommodate up to 200 guests for funeral services and celebration of life events. Such large gatherings were not envisioned in 1969 when the special permit for funeral homes was implemented.

Currently, as stated by the applicant, the average size of these types of events is 50 guests. A primary entrance will be located on the south side of the building 30 feet closer to the residence on Colombia's Colombian Street. This is the same south side entrance that has all along been opposed by the neighbors and some members of this board is not an appropriate location before the court mediation took place the use of the side entrance as the main entrance was labeled non-negotiable by the town solicitor and yet after mediation it remains in the plan because the applicant blatantly refused to move the main entrance away from the neighbors. It will be detrimental to the current and future character of the neighborhood. I think we should all remind ourselves that the main medical Mecca the applicant refers to in his application was at one time residential land. When you look at the size and scope of this medical Mecca on a map you can easily see just how much residential land has been taken away in this area. The current funeral home was once a residential home. This addition will take away the residential feel of the current funeral home it will be detrimental to the character of our residential neighborhood because it will look like just another large commercial venue. In addition, there will be a huge garage next to much smaller residential homes and half of the rest of the residential lot will be paved over to put in the parking lot and I'll go back to my favorite quote of Joni Mitchell. We don't know what we have until we pave it over into a parking lot. It should not be a question of how beautiful this garage may be. But why are we allowing a commercial property and parking to be built on residential land? Whose residential property will this town approved next to be built to be paved over? Looking at the queue exhibit from the revised architectural renderings. The diagram clearly shows that people will enter the lobby using the ADA ramp into the south side entrance before entering the appropriate viewing room. For large events the applicant states the cooling will be will take place within the building. However, if there's a second wave in progress, this path will not be possible causing more people to line up outside nearest to the abutting neighbors. There will be no nuisance or serious heart hazard to the vehicles or pedestrians. I agree wholeheartedly with my neighbor regarding the traffic nuisance that this will cause especially between Park Ave and Colombian Street. I too have sat in traffic the last few months trying to get from Route three to Colombian Street. Along the way I have watched people try to enter the traffic taking both right and left hand turns from all four of the driveways between Park Ave and Colombian Street. While inching along I have also witnessed recognizable employees of cocaine's not even waiting to get into traffic from their driveway but instead banging a U turn into the mass either near parking lot to exit out the back to Colombian Street. This already happens quite often, with people leaving the funeral home and it will only get worse with larger number of people trying to leave at the same time. Yeah Balkan states that the project reduces the combined number of parking spaces in the south in West Los well this is this is true. This statement cleverly disguises the fact that there will be actually more spaces nearest to the residents in the south lot than there are now and that the reduction of spaces is only on the west side. The public convenience and welfare will be substantially served. Keohane already provides necessary services for the public. It is already the busiest funeral home in Weymouth. I asked Will adding this addition to the rear more substantially served the needs of the public rather than adding the building to the front. It's always been questioned as to why the extension cannot happen towards the root 18 sides, but adding on to the front of the building has never been an option with the applicants. We've been told that it can't be done because it's a hill out front. That would be too difficult to grade. And yet if you look at the first proposal, there was going to be a nine-foot retaining wall in the rear because of the hill outback. I for one can't help but wonder if building out to the font is has never been an option because the whole look and current character of the funeral home would change with such an addition. It would no longer look like the stately residential home once was.

Which again, is exactly our point of not putting a huge addition near residential properties was getting great question to this board is how much more residential land will be taken in order for it to use for commercial use. If this project is approved, we will have yet one more slice of land taken away from residents. Enough is enough. We don't want any more encroachment on residential properties by commercial entities. Please don't approve these permits and allow this project to change the character of our neighborhood.

Mr. Moriarty: I've already heard about and I know there's already an existing condition on the property now it's being used. Let's not disguise that. Okay, I'm already dealing with an existing footprint of a building and they're looking to add to it. Okay, don't just tell me it's an 11,000 square foot facility, like I know it's already approximately 6,500 square feet. Talk to me about the addition. Tell me how the addition affects you. Tell me what how it impacts you personally, your home your traffic issues. I've been driving relate team for since 2002. Okay, and it's been through many versions of a widening and I still takes me 20 minutes to get from social hospital to get to three. And that's at seven in the morning trying to get into Boston, and I'm still waiting 20 minutes there's no funeral there's no wake. I don't mean to preach. I just want to help you help yourself. Give me what I'm looking for. Give me for the reasons this affects you. It's very important. Okay. Thank you. Please.

Shira Levine, 165 Colombian Street

Hello, my name is Shira Levine and I live at 165 Colombian Street. Before I go with what I had to say I just had a question when they talked about 30 to 60 to 90 days on the Cypress Street. Some of us have parking on Cypress Street and that is our only way to get out of the street. Can we get clarification on what that means? Our driveways are on Cypress street. So, there can't possibly be 30 to 60 to 90 days of construction. We have to be able to get out in and out every single day. We can't park Colombian Street, it is a very busy street, so that's not an option. I don't know where you live, but that's not an option where we live.

You wanted to know about what's new. You asked the applicant how square foot the new addition is? The answer is 5,500 square feet, not 4,700. Conveniently they knew a lot of numbers but not the number of the square foot addition 4,700 to 5,500 is a big deal. The total is going to be 11,000 square feet. That is gigantic. 6,500 plus 5,500.

There are going to be 11 parking spaces in the residential zone. Currently there are zero so those are parking spaces in a residential zone there going to be a grand total of 104 parking spots, which means assuming let's say two or three people come in each car, you're talking about hundreds of people coming in and out of events. Now the biggest thing about this project in addition to this square footage of what you're adding, is that the applicant has said that they're now doing church like events and celebrations of life which means that the funeral home as we know it, with wakes people are coming and going at their own times will change. These are now going to be events where you have over 100 cars with two or three people to be 200 to 300 people coming in to this place and leaving this place at the same time because if you go to a church the event starts at 10 o'clock, everyone's coming at 9:45 That currently doesn't exist. So how I'm going to directly answer your question, how is that going to affect our neighborhood? We are going to be in an event space with hundreds of people coming and going in the back of our houses.

A four-bay garage that has nothing to do with us going into the residential zone to house their cars because they don't want their cars to be outside. That burden should not move to us that burden should be theirs. That's not our stuff. And creating a main entrance which you've heard about and I don't need to go into more detail but this main entrance is going to queue all the people in the medium and large events. Those people will be in the backyard of people's houses. How does that affect us? 100 or 200 people standing on a ramp in the back of my house. That should be clear how that affects us

Three years ago, when we started this project, we asked the applicant to build the addition in front of the current building. Anyone that has been there knows the front is gigantic. It's sprawling. I heard tonight Attorney Tocchio say it's a necessity to upgrade the existing is inefficient or ineffective. They could do the exact same project and build the 5,500 square foot addition in front and not bother anyone. All of this could be done in the front space of their current place without bothering us. So, it's not that we are stopping anything from happening. They can do it on the sprawling front which literally gigantic. This whole thing could go there without bothering us. With them getting everything they need their modernization etc. It's so frustrating because you're going to ruin our neighborhood when they could get the same thing by doing it literally in front. It's not fair.

Mr. Moriarty and I quote you said I see criteria here that says it must be substantially more detrimental. What do I do when I try to understand substantially? I look to a dictionary and the definition is to a great deal or to a large degree. I am not seeing 51 to 49%. I am seeing something that is or must be according to our bylaw, substantially more detrimental. The bylaw reads, the use involve will not be detrimental to the established or future character of the neighborhood or town.

There is no reference to substantially more detrimental nothing about substantially more there is no 51/49% requirements. With all due respect, and I think you're very nice and very intelligent, I don't believe the burden of proof you cited matches the actual law. Substantially more detrimental is a much higher bar than will not be detrimental. We see no way this project will not be detrimental. Of course, it will.

At the September 6 meeting. It was a sweltering hot day. Mr. Lynch, in his decision as a BCA member says at the meeting in favor of why he believes the proposal should pass. And I quote "I would want to see that the addition of that chapel, that large space, I actually think it'd be more beneficial because I keep hearing a big complaint being the people in the parking lot. When you have a space that large that's being added. People aren't going to hang out in the parking lots. If it's a day like today, if it's 80 degrees outside, no one's going to sit outside in the parking lot and talk to one another. They're going to stay inside of that air-conditioned area". Within five minutes of the BCA meeting ending who do we see congregating outside in this 80-degree weather and not in the cooler High School? Mr. McLeod, Mr. Tocchio and Mr. Lynch. Mr. Lynch, I have a picture here of that outside meeting and there went Mr. Lynch's whole point that people would stay inside rather than congregate outside. This was just proven by his own actions, congregating outside the funeral home specifically outside the main south entrance by residential houses will result in crowds and noise.

Additionally, Mr. Lynch in support of the proposal on 9/6 made a motion to approve the permit saying that the site is an appropriate location because it has been the site of a funeral home since 1961. Unfortunately, that logic is missing the fact that this proposal changes the actual physical location and changes the functions that will occur. We have no objection to the current funeral home, the location, and its functions as they are today. To say that the location of this completely revised funeral home is

appropriate because it has been there since 1961, is completely ignoring this entire proposal and all of the changes that the applicant is seeking. You have to look at the new proposal, and it doesn't matter that what was there since 1961, is what's currently there, not this new proposal with 5,500 square feet in the back of all these nice people's backyards and with the 200 people coming out of events. For those who voted against granting the special permit in the prior vote, nothing has changed today and we truly hope your vote remains the same. The evidence, the law, and the facts of this case all lead to a clear determination that this project does not meet each of the five criteria. For those who voted in favor of granting the permits. I believe your votes incorrectly looked at the evidence, the law and the facts. I request you look at the project as a whole, and its location, against the legally required five criteria. I find no way a reasonable person can say this project is appropriate and its proposed location and that it will not be detrimental to the residential neighborhood. All you have to do is listen to what everyone is saying who's here. They're all saying it's going to be detrimental. This thing is gigantic. So, it fails on that, just that problem alone. Ask any person including yourselves if putting a 10,000 square foot funeral home, commercial parking spots, and a four-bay garage in your residential backyard would be detrimental to your neighborhood. The answer is clear and obvious. Of course, it would. Thank you.

Anne Marie Swanson, 131 Columbian

I am the first from the corner. During the weather that we're in, I have a completely clear view of the side door from my kitchen window, my computer room window, my upstairs bedroom window, and from my daughter's bedroom window. Last night there was a funeral. There were 15 to 20 people on that side ramp every day. That's how many people stand on the ramp every day, Monday through Friday and sometimes on Saturday.

Mr. Moriarty again urged the public to avoid repetition.

Ms. Swanson replied that she feels that the Chair is asking for some real specifics in helping you figure out why this isn't the best for.....

Mr. Moriarty no disrespect, we've heard this. We're now on the eighth installment of The Lord of Cypress, I get it but I want to hear the intricate details. I want to hear the things that I haven't heard. I heard about the four-bay garage okay, but there's a three-bay garage that's already there. Let's not lose the forest. Let's not lose the trees.

Ms. Swanson continued.

My biggest concern, in my exact location at 131Columbian, is if the side door is going to have the only handicapped accessible ramp as it does now. They're saying that the front door is still going to be the main entrance, there has to be some way for the people to get in these new north parking spaces under the handicap side. So, the ramp I'm assuming is going to have to be extended to the front side of the building based on this picture. That's what I'm seeing. The ramp is going to the front with the carport for the side entrance. The existing ramp that is there is going to at least double if not triple in size. The amount of people that are going to be congregating in that area, whether they're waiting to get in or whether they've had their moments with the family and are exiting, will double if not triple based on the sketch. Looking at this picture, the ramp is going to change so it goes all the way to the front. It would have to be ADA-approved. If there's only those five handicapped spaces, they're going to be coming from all sides of the building. So that's going to need to expand.

Brandon Diem: You're saying that it doesn't go to the front currently?

Ms. Swanson: Doesn't go around. It's not going to go around. It's going to be to the front so it's going to extend the length of the building. Am I incorrect?

Mr. Diem: Yeah, I'm looking I'm looking at a satellite image and it goes to the front currently.

Ms. Swanson: I believe it extends further towards the rear but it's it starts it's going to elongate the ramp itself is going to be longer than what's there.

Attorney Tocchio: Right, so it will be longer. There's there's a delivery door at the back then you've got that plastic fence which has the dead body transfer bay, the outside transfer of human remains, then to the right of that you have an existing staircase. Then you've got the ADA ramp next to that south entrance. I do concur. She said every day several people are using that, et cetera that is we have pictures we've given those to you. They're part of the submission. We didn't feel it was necessary, particularly with condition number 10. To make a big deal out of that, but you know, she just confirmed she's the closest, and yes, it's in use every single day. Yes, we concur. We agree on that.

Ms. Swanson: And you're getting rid of the stairs you said on that side.

Attorney Tocchio: Exactly. The stairs are going to be eliminated. That was a request that was conveyed to us. So those are gone. When you look out at the proposed iteration which is on the right. You can see the difference because there are no stairs coming down. The south entrance is there behind that row of four arborvitae and then you can see all of the extensive plantings. This will absorb everyone into the building that has to be so they won't be there. Second, if it's offensive to watch people walk up the ramp, or wheel up the ramp, you won't be able to see them because all the plantings that are being put in including a retaining wall so everything is screened and then you instead of being behind the four and a half foot plastic fence with a foot and a half translucent topper, or going it's to be behind an eight-foot-tall cedar fence.

Ms. Swanson: Giving me a bigger fence is great and I appreciate it. It will stop the flow of trash and other things we don't need to talk about. But you're taking away a stairwell you're adding more congregating space and of course, I don't have a problem with watching people go in and out of a building. It's people that are standing there continuing their celebration of life because there is no reason for them to leave because now they have more places to hang out whether it's outside in this beautifully landscaped parking lot, or inside this expanded building. And I think this picture says a lot because this is what we look at right now. And just putting trees on it doesn't change the amount of congregating space that is there for everybody that goes in and it is seven days a week for the most part. It's a very busy business. No one's saying that it's not. And this happens all day long. I'm not getting a change the way that my neighbors are down the street. When we bought this house, 21 years ago, we knew exactly who our neighbors were. My children have grown up in this house. And now we just have to look before we go out the back door to see who's standing on the walkway. Celebrating their person of choice while I'm trying to get my children safely into my car and out of our driveway from my private property. So that's all I wanted to share.

Bill Coyte, 22 Sargent Road

I worked with Spectrum, and we have a building that used to be a nursing home with a storm drain that does not empty into anything. So, it builds up to a puddle and then runs into Kirkland Street and the neighborhood. A storm drain is useless unless it's hooked up to the sewer. If they put a storm drain in I'd appreciate that they put in a line to the sewer so that all of the water goes somewhere and it's not sitting in a storm drain. Because two years later, that storm drain is going to be pulled into the ground because it'll just wash itself down. And just six months ago, they put a three-inch pipe from that storm drain. And I don't want to see that happen on this site. I just wanted to let you know that that happened in the next block. Please don't approve this project.

Kathy Swain, 134 Mill Street

I've been attending all these meetings. I grew up on Colombian Street. I'm very familiar with the area as a Weymouth resident all my life. Sometimes that's a bad thing.

I've attended several board meetings, and I've never seen residents spoken to the way they've been spoken to this time. The way Ms. Hay was embarrassed when she began to speak was unacceptable. Whether we abut the project or not, should have no relevance on whether or how we should speak.

Attorney Tocchio, did you happen to see the Town Council meeting on March 18?

Mr. Moriarty: We're not here to create a dialogue with sort of a three-way conversation. I really want to hear from you. I'm sorry you're offended by my specific attention to the actual abutters today and I thank you for that kind insult. But if we could just hear from you and your experiences with that neighborhood and where you live, and I know that it's not very close, but what you know of the neighborhood.

Ms. Swain: What I do know is what I saw. And also what I heard. The first meeting we had, in 2021, was when the citizen's petition was filed by these residents who did an unbelievable job of presenting the information about funeral homes and how they've changed over the years. And did any of you happen to be at or hear that presentation at all? They did a great job.

Attorney Tocchio said that they were monitoring WETC and saw that the citizen's petition had been filed. what we heard was that someone had called Attorney Tocchio and told him. This is only hearsay. It's not evidence. But this whole project has an odor of impropriety and collusion. Mr. Lynch and the solicitor followed Mr. Tocchio out.... I watched it too. Not only did they go outside and talk, but there was laughter and a handshake. Those things bother us.

Mr. Moriarty: I've attended these hearings. I've been here just like all you people have and sat through it. I can tell you, I have experienced no collusion. I have experienced no wrongdoing by any party.

Ms. Swain continued by stating that these were only assumptions and nothing in writing. It's only what we see. Tonight, we're hopeful that you vote to vote no.

All five members of the Ordinance Committee agreed that these special permits for funeral homes shouldn't be allowed. The Planning Board was unanimous, all 11 Town Council members agreed that allowing special permits could have detrimental impacts on the established character of the neighborhood. So, three of the boards of this town have already said that this shouldn't be happening. Unfortunately, because of an ANR that was filed, it has to happen, but it should never happen because our law was outdated.

The Declaration of Independence, it says “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights that among them a life, liberty, and the pursuit of happiness”. But I want you to listen to this part, “to secure those rights. Governments are installed derived by the power from the consent of the governed”. Consent of the governed refers to these people, to the idea that government legitimacy and the moral right to use power is only justified lawfully when it's consented on or agreed to by the people over which that political power is exercised. These people in front of you here tonight are telling you that this project is not good.

The only way a lawful vote, the only way you can lawfully vote tonight, is to deny this project because it's the consent of the people, the people in front of you that have come out for three or four meetings. The meetings and citizen's petition. They've been out here every night that they've had to be and they're telling you no. Thank you.

Tom Welsh, 20 Cypress Street

We're very confused about having to come back here and do this all again. Another time. What we did hear is that two members of the Board did not get it right. They were confused. They happen to be the women on the board. I mean, that upset me right there. I happen to be a docent at the burial site of John Adams...John Quincy Adams, Abigail...I'm very happy that you placed that statue of Abigail in the park on Middle Street, and she's positioned so that she can check out all the sales at the stop and shop across the street. But John Adams did state that Facts are stubborn things. So, the more that we argue around this whole thing, it's not going to change the fact that all five criteria are not met. Now you've got the neighborhood here. We're the ones who determine whether or not it's detrimental to our neighborhood. We don't want anything put on a residential piece of property. I've lived there on Cypress Street for over 30 years. When I hear you denigrate my street, it got me upset. That got me upset. But just understand at some point, as the years go on, all of you are going to get up from your seats and move on to other places in your life. Other people will take your place. But just understand that what you decide here tonight will have lasting implications for all of us. Do the right thing. Again.

Alyson Dossett, 56 Belmont Street

I've been to most, if not all of these meetings, and I just wanted to address an issue that is sort of running in parallel to this vote. It's my opinion that the five criteria are not met. But what I think all of us agree on is that an overused phrase is the term medical Mecca. I first heard that at one of these meetings and perhaps the town adopted it on the website. Not sure, doesn't matter. But what my concern is that with your vote tonight if you endorse this project to move forward, it could potentially mean that other commercial interests will use the concept of Weymouth being a future medical mecca and would consider it their right to trespass into our one just because the neighborhoods about a medical or future medical location. This concerns me in this particular meeting because this neighborhood would be the first domino to fall. Should medical Mecca be used as an excuse or a pass for other commercial interests? So, I just like you to be mindful of that particular matter. Hopefully, it doesn't influence your decision, but because it's mentioned so frequently at all of these meetings. I thought I'd bring that up. Thank you.

Shira Levine, 165 Columbian St:

Ms. Levine stated the people that have driveways on Cypress St. don't want Cypress St. touched and don't want the project approved. Is there some way we can have Cypress St. not touched?

After consulting with Town Solicitor, who stated the public hearing shall remain open until all public comment has been exhausted, Mr. Moriarty stated he would keep public hearing open and allow Mr. Tocchio to respond to Shira Levine's question as well as other items public stated.

Mr. Tocchio's responses:

When a road is repaved, provisions are made at the end of each day, if there is an open trench plates are put down – very common. If neighbors want to keep it as is, it is up to BZA whether to include as a condition.

Medical Mecca term came from Town's website – Grayken Treatment Center, 85,000 SF Dana Faber Cancer Center with 6 story parking structure 647 spaces hovering above an R-1 zone. South Shore Hospital was zoned R-1 decades before zoning change.

Mr. Tocchio referenced his 36 years' experience which includes as a Special Assistant Attorney General, & Assistant Attorney General for the Commonwealth of Massachusetts. He didn't appreciate to have reputation questioned with "just hearsay" & "this is what I'm hearing." He noted the neighbors have the right to oppose the project.

Mr. Tocchio clarified, they don't watch WETC. No one called applicant about citizen's petition to change the R-1 zoning regarding funeral homes. It was quite the opposite that in looking at public notices in the newspaper was the first time they heard of the potential changing of the zoning. The applicant had just enough time to send a letter in to preserve their property rights. If they hadn't preserved their right, applicant would have lost out. Mr. Tocchio stated, the client has rights, pays taxes and invests in property. An important piece is, that owner has rights under zoning.

Mr. Tocchio stated there were a lot of questions regarding why we are here, why town council changed zoning. The reason is that mediation was held with a retired land court judge. The mediator sits the parties down. Mr. Tocchio believe the people aren't hearing – we had a mediation. This is extremely serious. Judge goes out, looks at everything, meets with both parties, puts them in separate rooms & talks very specifically to each party about the 5 criteria, what makes sense, what doesn't make sense. The actions of the applicant were based on that mediation & the actions of the Town Solicitor are based on that mediation. Not just thrown out there.

Mr. Moriarty stated he appreciates the argument - I should vote it down because everyone that's here is telling me to vote it down. I should vote it up because the applicant went through some mediation. Completely irrelevant to me. Mr. Moriarty referenced the plan of a project that is proposed in front of him, stating his job is to ferret it out. He was able to get deeper into what the issues are because apparently, they weren't ferreted out and he hopes no one is offended by that and thinks the residents would be encouraged by that.

Mr. Tocchio stated, when this came in, the narrative was that the funeral home was going to do x, y & z. There have been several iterations of these plans and things were eliminated & things were removed. Yet the narrative of the complaints has not changed.

- No parking spaces closer to the residents – it's a reduction of parking space

- Funeral Home showed no queueing yet residents still articulated fears of queueing
- “I look at people every single day” – you won’t see them any more (*due to the screening of ramp*)
- “They say they’re going to use the front entrance but they’re really not” - Yes, we are based on condition 10 on decision will be filed with registry of deeds
- “They’re going to congregate, look what happened after the last meeting, they congregated” – addressed with condition 11

Mr. Tocchio stated for some reason people aren’t reading these conditions and taking them seriously.

Mr. Moriarty asked Ms. Levine if question regarding Cypress paving was satisfied. Ms. Levine stated no, how are we to get in and out for 30-60 days?

Mr. Tocchio replied the same way when any road is repaved, the job is managed and arrangements to get in and out i.e. working on half road at a time, plating are addressed through construction management.

Mr. Tocchio addressed the drainage question regarding Spectrum. He stated there should be an O & M – Operations & Management plan as a private parking lot to go in and clean it out. As part of Keohane’s O & M, the catch basin won’t be allowed it to fill up & it will be cleaned. It’s a large open bottom pit with rock that drains down. It is not necessary to have it piped as a single catch basin on a road of this short length and width. To have it piped would be overkill. If neighbors don’t want Cypress repaved, that’s ok but it is in the best interest of the town.

Mr. McLeod stated many roads intown are still private ways which prohibits the town, when there is a deficit in roadway, from using tax money to maintain & repair private roadway. In order to bring it up to standards for the Town to accept, it has to be surfaced, have sidewalk & certain drainage. It is the Towns intention & desire to accept all private ways as public but it’s very costly & expensive. When an applicant is willing to repave a roadway and install drainage, it gets us closer to saying in the future, any defect the town will be obligated to repair. If it remains a private roadway, we cannot spend taxpayer dollars to repair. It is up to the residents to petition to have the town accept it as a public way. 75% of neighbors to request a public way and town will go forth with process.

Shira Levine stated the people on Cypress have been asked by the town via legal letter whether they want it to become a public way and zero people responded yes. She believes Cypress St. is too narrow and would have to take away property for each of the houses. Legal width required would have to take a lot of space from people’s houses and land in order to make it a public way. We have legal right to say no since we own the private way. We have said no and we will continue to say no. They only want to pave it because they can get water through Cypress. We hope the project doesn’t pass but it can all be done without touching Cypress Street.

Mr. Moriarty asked the applicant if they are taking water off Cypress St.?

Mr. Tocchio responded, yes, definitely. He stated if they can’t, there is the tank option and there is potentially a route 18 option. The idea was to give a benefit since everyone that has frontage on that street, owns that street. At some point it’s going to have to be repaved. When homes listed, buyer will have to understand they own a fraction of the repair of the street. Shoulder to shoulder width to make it something conforming so when work is done, they go shoulder to shoulder. One car can’t go up when one car comes down. That’s really important to ambulances and fire. We can’t do new work that would

ever have a dead end that is one lane only. If the owners in their determination say that they don't want it, that is up to them and they'd be turning their back on some significant improvements

Mr. Tocchio in response to concerns regarding traffic and assumptions that were made, stated condition 15 mandates post project traffic program.

Mr. Tocchio stated the gaps discussed by the public are covered in conditions.

Mr. Tocchio stated in 1961, it was appropriate for funeral home but back then there was no Dana Faber and all the other surrounding pieces. Now there is Nevin building and parking and there is a lot to be noted of current conditions.

Mary Beth Bernard, 19 Sargent Rd.

Ms. Bernard asked for clarification regarding the water. She understands water needed will be coming from Columbian St. Ms. Bernard questioned whether Columbian St. can be opened due to 5 year moratorium. And would water main go down Cypress St. Ms. Bernard was not sure if the discussion of public vs private applies. It was her understanding that if they are allowed to open Columbian, the road would be open and repaved but nothing about public street. But she still hadn't heard whether applicant will be permitted to open Columbian St.

Jim Kirkaldy 181 Columbian St.

Mr. Kirkaldy would like to reiterate that nothing has changed since they were last here. The public have heard a lot of the same from both sides. If you are asking yourself whether this meets the five criteria, the experts are the people sitting right here in who will tell you whether this is detrimental to our neighborhood. You didn't vote to approve this last time, so I don't know why you would change your vote because nothing has changed since the last time

Mr. McLeod, Town Solicitor

Mr. McLeod addressed the allegation by a couple residents indicating regarding a conversation he had with counsel and Mr. Lynch outside of this after the second remand hearing. Mr. Lynch is his client, as he represented to the board several times, "you are my clients, the zoning board are my clients, not the residents. The Town of Weymouth is my client." He stated he has a right and an obligation to speak to his client. With respect to Mr. Tocchio, he was in the vicinity and he is opposite counsel on a pending litigation matter. Nothing prohibits having a conversation with opposing counsel when there is pending litigation. He stated there's no prohibition on having any communication with any other attorney at any other time so the illusion that he was creating some bias or prejudice by having this conversation is ludicrous. Mr. McLeod wanted to make it clear to the board that it's nothing other than a conversation he was having with counsel about the status of a pending lawsuit and my conversation with an existing client.

Mary Hay 19 Sargent Rd.

Ms. Hay stated the intention wasn't to imply that the three people talking were in some conspiracy. The point was made by Mr. Lynch for his vote, that people wouldn't be standing outside talking to each other on a warm night when they could be inside in an air-conditioned building such as this new

proposed building. Yet, here he was 5 minutes after his vote, standing outside on a hot evening gathering with other people to talk, that was the point.

Mr. Moriarty stated he understood the context it was taken.

Mr. McLeod stated public comment has been exhausted

Jonathan will take a motion to close the public hearing Carsten Snow-Eikelberg - so moved, Jon Lynch second. All in favor 5-0.

Regarding a motion to accept the prior filings and testimony, Mr. Moriarty stated he had and it is all part of the record and has been duly noted.

Mr. Moriarty stated there was an option to make a motion and act on it or a motion to take under advisement to a date certain. If the choice was made to take under advisement, he would like that to be a very short date.

Mr. McLeod stated it must be within 30 day as that is a stipulated order from land court.

Mr. Moriarty would like if it were to be taken under advisement that the date would be 4/3 which is 7 days.

Jon Lynch stated he doesn't think we need more time. We've heard all we need to hear everything has been exhausted. Mr. Lynch would like to make a motion the exact same as previously to approve.

Mr. McLeod suggests rereading motion to be clear.

Mr. Moriarty asked Mr. McLeod for clarification. Mr. McLeod state to the board, this is a vote to either approve or deny the proposed plan before us based on the remand agreement that has been signed off by the town and the applicant the plan that is before them and the 21 conditions. That's what the board would be voting to approve. Mr. McLeod stated they can make changes to the conditions that were discussed tonight. Special permit criteria of the current ordinance is what applies

Mr. Moriarty suggested every condition doesn't need to be read into the record.

Mr. McLeod agreed to make reference to the submission.

Mr. Moriarty requested adding signs to the garage doors and identify seven spots with signage as overflow parking. Condition 21 add "appropriate signage will be added"

Mr. Moriarty requested Construction times 8-5 weekdays no weekend or holidays unless towns protocols are more restrictive be clarified.

Jon Lynch made a motion:

to approve the special permit pursuant to section 120-122, the Weymouth zoning ordinance.

The reasoning is as follows:

This specific site is an appropriate location for such a use. Because the funeral home has operated continuously at the site successfully since 1961. The project will allow for operational improvements and

efficiencies to accommodate continuing community needs for funeral services. And they are keeping in trends with the funeral home industry.

The use involved will not be detrimental to the established or future character of the neighborhood of the town. Because it's an existing direct abutting use of the funeral home including single-family homes, the center for treatment and the Massachusetts Eye and Ear. It has existed for over 60 years, and there will be no fundamental change the daily operation of the funeral home.

There will also be no nuisance for serious hazard to vehicles or pedestrians. The transportation impact assessment that was conducted proved that the project can be accommodated within the confines of the existing transportation infrastructure in a safe and efficient manner. The town traffic engineers report concurred with the conclusion that the project would not have a noticeable impact on the route 18 traffic.

I also feel that is an adequate and appropriate facility that will be provided for the proper operation of the proposed use it's going to enhance the fire protection and fire sprinklers and the Proposed Building, which currently does not have the fire sprinklers. The proposed alterations the existing building will also provide adequate areas for queuing within the building and the exterior queuing will be at the east entrance or buffered entry ramp access from the Main Street side of the building.

The public convenience and welfare will be substantially served as well. This has been a long running funeral home. It is located constructed equipment operated for the purpose of providing sanitary handling preparation, disposition and care of dead human bodies. As this has been in service since 1961, and they are one of the largest funeral homes and Weymouth. I feel that it is for the public convenience and welfare to have a larger facility available to them.

For the proposed special conditions, you're going to read each of those individually or can we incorporate them from the exhibits.

Mr. McLeod suggested the special conditions be referred to it as conditions one through 21 as outlined in the applicant's submission.

Mr. Lynch continued his motion:

It would be the proposed special conditions outlined numbers one through 21 as outlined in the applicant's petition.

Mr. McLeod addressed Mr. Lynch and the board regarding the possibility of removing the condition about resurfacing Cypress Street it appears that the residents don't do not want that.

Shira Levine spoke out about the residents not wanting their street touched.

Mr. Moriarty noted with all due respect they were in the middle of a motion

Mr. Moriarty interrupted the motion to question if Cyprus was to be paved or not paved.

Ms. Levine responded "not touched."

Discussion continued regarding the improvement of Cypress Street from its existing road to not being paved. Mr. McLeod stated the since funeral home owns property on Cypress Street, they own half of the roadway. He suggested the condition stay unless the applicant wanted to remove it. Mr. Lynch questioned if They are unable to bring the water in from Cypress Street, up to 809 Main St, would the plans need to be redone. Mr. Tocchio stated there are contingencies for tanks and access in condition eighteen.

As Mr. McLeod suggested, Mr. Lynch will leave the condition in.

Mr. Lynch continued with the motion, n, incorporating all conditions, one through 21 as included in the petitioner's application, and

Ms. Snow-Eikelberg would add to condition 19 that construction is only done between the hours of eight to five on weekdays, not weekends or holidays. Also deferring to the town's traffic and construction protocols in the event that those are more restrictive.

Mr. Moriarty would also ask to add the signage for the garage doors. do not block or park in front of and some overflow parking placards or signs which encourage or discourage parking on the southerly portion of the lot.

Mr. Moriarty clarified, the construction hours of eight to four with no construction on weekends and holidays for a minimum of a portion of the excavation and the exterior structure going up not going to handcuff going forward for interior work

Ms. Snow-Eikelberg seconded motion by Mr. Lynch.

Roll Call vote:

Moriarty-aye

Lynch-Aye

Chin - Aye

Snow Eikelberg – Aye

Diem – Aye

Motion has passed.

Mr. Moriarty requested a motion to approve 2/28/24 minutes. So moved by Ms. Snow-Eikelberg and seconded by Mr. Lynch. 5-0 vote in favor.

Mr. McLeod stated no further business.

Mr. Moriarty requested a motion to adjourn. So moved by Ms. Snow-Eikelberg and seconded by Mr. Lynch. 5-0 vote in favor.

Approved by:
Mr. Diem, Clerk



4.22.24

Date