

BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS

July 13, 2022, 7:00 p.m.  
Weymouth High School  
Mary Jo Livingstone Humanities Center  
1 Wildcat Way, Weymouth, MA 02190

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2022 SEP 21 AM 11:35

**Members Present:** Kemal Denizkurt, Acting Chairman  
Jonathan Moriarty, Clerk  
Carsten Snow-Eikelberg  
Brandon Diem  
Nicole Chin

**Also Present:** Robert Luongo, Director of Planning  
Monica Kennedy, Assistant Planner  
Janet P. Murray, Recording Secretary

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

**Old Business:**

1. **Case #3473- CONTINUED BY APPLICANT TO 8/24/22** The petitioners, **McDonald Keohane Funeral Home, Inc.**, for properties located at **809 Main Street** also shown on Weymouth Town Atlas sheet 45, block 515, lots 4, 5 & 14 located in the Medical Services, R-1 & Watershed Protection Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

<b>Special Permit</b>	120-40 (to the extent applicable) extension or change by special permit
<b>Special Permit</b>	120-13 A (as in effect on December 2, 2021), special permit use - funeral home
<b>Special Permit</b>	120-13 B (to the extent applicable), special permit use - garage space for or storage of more than three automobiles
<b>Special Permit</b>	120-22.12 A Special Permit Uses - funeral home

The subject properties consist of three parcels consolidated to 2.81 acres with a licensed funeral establishment. Petitioner seeks to expand the existing licensed funeral establishment with a single-story addition including a transfer bay, a 2,840 SF chapel area, and a 2,112 SF lobby area. The proposal also includes construction of a detached 1,950 SF garage and site improvements to add onsite parking and improve circulation and stormwater management. Applicant proposes to demolish 636 SF of existing funeral home, the garage and shed at 809 Main Street, and the existing dwelling at 19 Cypress Street.

Mr. Moriarty made a motion to CONTINUE Case #3473 to August 24, 2022, and was

seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**2. Case #3472- CONTINUED BY APPLICANT TO 9/7/22** The petitioners, **James Andrew**, for properties located at **180 Pilgrim Road** also shown on Weymouth Town Atlas sheet 4, block 30, lot 5, located in the R- 1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

**Special Permit**      120-40      extension or change by special permit

The subject property consists of a 2,680 SF parcel with a single-family home. Petitioner seeks to enclose existing front porch, excavate the front hillside to create a carport, and raise the roof to accommodate an additional story.

Mr. Moriarty made a motion to CONTINUE Case #3472 until September 7, 2022, and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

#### **New Business:**

**1. Case #3481** - The petitioner, **Elizabeth Cameron & Christopher Kilbridge**, for property located at **406 Union Street** also shown on Weymouth Town Atlas sheet 55, block 575, lot 3, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

**Variance**      120-51      Schedule of District Regulations - side and rear setback

The subject property is a 15,000 SF parcel of land with a single-family home located on the property. Petitioner seeks to add an attached two-story two-car wood-framed garage at the existing driveway with office storage above.

Mr. Moriarty made a motion to open the public hearing on **Case #3481** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

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

Pat Fisher, Fisher Associates Architecture, appeared before the Board on behalf of the applicant. Ms. Fisher reported that her clients would like to stay in their home as they age and adding a garage would allow them to get from their cars to their home without having to deal with the varied weather.

She noted that this is a 15,000-square-foot lot but the house is tucked forward and to the right of the lot and there are topographical difficulties with the left side of the house that make it difficult to place the garage on that side. The land drops off on this side more than on the right side. A curb cut and excavation for a driveway would be required. Many more steps would be required than on the right-hand side.

She continued that the curb cut and driveway exist on the right side of the house as does the entrance.

Ms. Fisher stated that they are requesting relief in order for the proposed garage to be 5.2 feet from the lot line instead of the required 10-foot setback. She added that adjacent to the proposed garage, there are two pork chop lots and only driveways as the houses are set well behind the applicant's house. The nearest house on the right is approximately 100 feet away. She presented a photo (Exhibit 1) that shows how far away the next closest house would be from the proposed garage.

Ms. Fisher presented a picture (Exhibit 2) of the house to the Board. She stated that above the garage will be kept open for their home-based work.

Ms. Fisher stated that there is also a setback to the rear that may be an issue. Mr. Luongo reported that the Director of Buildings has ruled that no variance in the rear yard is required.

Ms. Fisher submitted a picture (Exhibit 3) showing the actual width of the yard and the fence.

Mr. Denizkurt asked about other locations for the garage. Ms. Fisher reported that they considered many scenarios. The main concern is the garage casting shadows on the windows of the house on the other side.

Mr. Denizkurt asked about the slope on the left side of the home. Ms. Fisher reported that the variation is about 3-5 feet. There is no ability to access the basement from the left as there is from the right. If placed on the left, there would be a 7-8 foot climb from the garage.

Mr. Denizkurt asked if they had discussed this project with abutting neighbors. Mr. Kilbridge stated that he had spoken to several abutting neighbors who seemed either supportive or indifferent to the project. He stated that the house immediately behind is rental property.

Ms. Snow-Eikelberg asked who owns the fence. Ms. Fisher reported that it belongs to the applicants and has been damaged by the neighbors. The plan is to replace the fence along with the proposed project.

Ms. Fisher submitted a picture (Exhibit 4) of the house showing Board members how the entry will be changed.

Ms. Chin asked about the dimensions of the garage. Ms. Fisher reported that the garage will be 21 feet wide. The garage will not be higher than the house due to changes in topography.

Mr. Moriarty reviewed with the applicants the history of the lot and that it was originally one lot that was subdivided.

Ms. Cameron stated that there is a sewer lid on the left side of the property and the other utilities also come in on the left side. She also noted that there are some nice trees on that side of the lot.

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

Mr. Moriarty expressed concern that the lot was created in the 1980's by the previous owner and now zoning requirements are different. He also stated that this project is creating the hardship. He did note the location of utilities could be a hardship; however, he stated that he did not believe that this application met the higher standards for a variance.

Mr. Denizkurt informed the applicant that if this application is denied this evening, then the applicant is precluded from coming before the board for two years with a similar request.

Ms. Fisher asked about reducing the encroachment from 5.2 feet to 7.2 feet. Mr. Moriarty stated he could not say for certain if that would help. He added that he would like to see more detailed specifications and measurements, as well as more information on the shape, slope, topography, soil condition, and grade. He also suggested that the applicant reach out to the owner of the rental property.

Mr. Luongo explained what would happen if the application were denied this evening.

Ms. Snow-Eikelberg made a motion to CONTINUE the public hearing for case #3481 until August 10, 2022, and was seconded by Mr. Moriarty.

**2. Case #3480 - The petitioner, Elksy Development LLC, for property located at 1197 & 1215 Washington Street also shown on Weymouth Town Atlas sheet 35, block 447, lots 1 & 3, located in the HT, B-1, R-1, and Commercial Corridor Overlay Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:**

<b>Special Permit</b>	<b>120-25.15B</b>	<b>Commercial Corridor Overlay District Special Permit</b>
-----------------------	-------------------	--

The site consists of two parcels. One of the subject properties is a 4.65-acre parcel of land with a 22,750 SF three-story Elks Local Lodge located on the property as well as an accessory concession stand building. The other subject property is a 0.28-acre parcel of land with a 2,485 SF multi-unit residential apartment building with a detached garage containing an additional unit. Petitioner seeks to demolish buildings and construct a mixed-use facility containing 147 independent senior living units.

Mr. Moriarty made a motion to open the public hearing on **Case #3480** and was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Jeff Tocchio, attorney, Gabe Crocker, civil engineer with Crocker Design Group, and Dan King, project architect from Meyer Design, Inc., appeared before the Board on behalf of the applicant.

Attorney Tocchio gave an overview presentation of the proposed project. The project would be comprised of a 3-story-story mixed-use building with 147 independent senior-living residential units. There would be 5 studio units, 122 one-bedroom and 20 two-bedroom units as well as ground-floor commercial services.

Mr. Tocchio stated that they had a community meeting on April 26, 2022, for neighbors and other interested parties. He reported that there were excellent comments. He added that town councilors were present.

The project proposes 133 parking spaces five of them handicapped. There was a parking study done by Ron Mueller and Associates which will be presented at the next meeting. He also noted that they are waiting for memos from Engineering and traffic. They will be before the Conservation Commission on 7/26/2022. Access permits from the Department of Transportation (DOT) for curb cuts will be required.

Mr. Tocchio pointed out that there will be a sidewalk wrapped around the property. Also, there will be extensive buffering as well as a pocket park at the corner of Washington and Pleasant Street which will include recreational amenities.

The entry age of residents will be about 75-year-olds, all-inclusive. He stated that this would be a senior-living facility that would cost between \$4-6000 per month and include everything such as meals, and utilities. There will be services and amenities on the first floor such as a pub, theatre, salon, dining room, commercial kitchen, commercial laundry, a chapel, and administrative offices. The services will be for residents.

Mr. Gabe Crocker reviewed the site details, first addressing existing conditions and then the proposed project. He stated that there is currently no stormwater management onsite. It is all sheet flow and un-detained.

Mr. Crocker stated that the applicant has committed to replacing the sidewalks on Washington and Pleasant streets.

Mr. King reviewed the architecture of the project.

Mr. Tocchio stated that the parking numbers are based on 30% of the residents owning their own vehicles plus staff members and visitors.

Ms. Chin asked about the walking path. Mr. King stated that they are not intending to put lighting on the south side of the building.

Ms. Chin asked about the swales. Mr. Crocker stated that one is a lawn swale that is designed to capture and infiltrate the water into the ground. The other swale is cut off by a retaining wall. This water will be directed to the property's system, not the adjacent wetland. Mr. Crocker stated that he will review this swale system. He added that the water from the building is captured and directed to the underground systems.

Ms. Chin asked about plantings. Mr. Crocker stated that plantings will surround and cover the transformer and generator as well as a six-foot fence along the property line. They will not be visible to the abutters.

Ms. Snow-Eikelberg asked about the multiple zoning districts of the property. The site is located in three zoning districts: Highway Transition (HT), B-1 (Business), and R-1 (Residential).

Ms. Snow-Eikelberg asked if the owner of the property will also operate the site. Mr. Tocchio stated that the owner, Elksy, is in discussion with a potential operator.

Mr. King stated that each unit will have a full kitchen.

Ms. Snow-Eikelberg asked about exterior access. Mr. Crocker stated that units on the ground level will have exterior access. Upper floors will have stair towers to exit the building.

Mr. Moriarty asked at what point do people go from this type of independent living to assisted living. Mr. King stated that this will vary.

Brendan Mallon, Buildable Sites, stated that in his experience at other similar facilities about 30% of the residents have cars. He also reported that the average age of a resident in need of assisted living is approximately 83. Although he pointed out that residents would be able to bring in outside care and stay. He added that there will be an assessment process for residents prior to moving in.

Mr. Moriarty asked about the commercial businesses. Mr. Mallon stated that these businesses are for in-house services and part of the programming.

Mr. Mallon stated that although parking does increase some on the weekend, in his experience it is negligible.

The property should be able to keep snow onsite rather than remove it but this depends on the amount of snow received in a season.

Mr. Mallon stated that the building mechanicals for the common spaces are located on the rooftop and are approximately 8 feet high. He reported that they will review this at the next meeting. He pointed out that each unit will have its own system and be self-controlled. It will be a VRF system so each unit does not require individual condensers. This is very quiet and efficient. The plan is to have natural gas. The meters would be tucked in the corner away from the street. Testing will be either weekly or bi-weekly.

Ms. Snow-Eikelberg asked about transportation for residents. Mr. Tocchio stated that the plan would be to purchase one or two 14-16 passenger vans to be parked on-site for resident use.

Mr. Luongo reported that they are waiting for a response from engineering.

Mr. Luongo stated that if this project is approved, there would need to be a condition or restriction if the property were sold as there would be a parking deficit.

Mr. Luongo expressed concern about the retaining wall along the property. He noted that the plan shows a stone strong retaining wall. The rendering looks very pretty but he stated that the Board needs to see exactly what is proposed. Mr. Crocker noted that they have been looking to remove the wall and bring the pocket park to grade level. He added that there is a one-foot wall which is a landscape retaining feature.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was the following response.

Richard Lamb, 1194 Washington Street, expressed concern about the existing traffic and how dangerous the intersection at Washington and Pleasant is. He pointed out that there is still a potential to have two cars per unit even though it may be unlikely. He suggested a deed restriction that there is only one car per unit.

Mr. Lamb stated that the water runoff area is terrible and he thinks anything the applicant can do will be an improvement.

Mr. Denizkurt stated that the traffic study is being reviewed by the town. This will be brought up at the next meeting. He also pointed out that the applicant will need to go before the Conservation Commission.

Trisha Boden, Queen Anne's, asked about White Oaks which is being built by the Hanover Companies. These are two large residential buildings planned for Washington Street. She asked if this planned construction has been considered.

Ms. Snow-Eikelberg made a motion to CONTINUE the public hearing for case #4380 until August 10, 2022, and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

### Other Business

1. Election of Officers

Mr. Denizkurt made a motion to NOMINATE Brandon Diem as secretary and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Denizkurt made a motion to NOMINATE Jonathan Moriarty as vice chairman and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to NOMINATE Kamal Denizkurt as chairman and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

2. Minutes: NONE

3. Upcoming Meetings: August 10, 2022

4. ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 9:00 p.m. and was seconded by Ms. Snow-Eikelberg. VOTED UNANIMOUSLY.

Approved by:   
Mr. Brandon Diem, Clerk

9.7.22  
Date