

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, January 7, 2015**

**Members Present:** Richard McLeod Chairman  
Chuck Golden  
Kemal Denizkurt  
Jonathan Moriarty  
Brad Vinton

**Absent:** Ed Foley, Vice Chairman

**Also Present:** Abby McCabe, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:05 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

**Old Business**

**Case # 3246 – 330 Libbey Industrial Parkway – Public Hearing**

The petitioner, Andre Almeida for property located at 330 Libbey Industrial Parkway, also shown on the Weymouth Town Atlas Sheet 38, Block 445, Lot 28, building 330, located in a POP (Planned Office Park), Groundwater and Watershed Protection overlay zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

**Special Permit:** Place of recreation or assembly (Article XA, Section 120-35.2.2 H).

Presently located on the premises are two buildings occupied for office and light industrial warehouse uses. The petitioner is proposing a ~3,000 SF martial arts studio in unit 500 in the rear building.

**Members sitting:** Richard McLeod  
Chuck Golden  
Kemal Denizkurt  
Jonathan Moriarty  
Brad Vinton

Appearing before the Board was Jim Faux and Andre Almeida. Mr. Faux summarized that at the last meeting the Board had two concerns; one was the parking and the other one was directional signage specifically related to the one-way travel around the side of the building.

Mr. Faux stated that they addressed the signage immediately by installing new “do not enter” signs and the Town’s Traffic Engineer did a site visit and would like to see more signs and a standardized sign. These comments have both been addressed.

Chuck Golden expressed his concern about the ambulance that parks there because they block the one-way sign and perhaps it could be moved down a little further. Also how much of the building is occupied. Mr. Faux responded that the building was 90% occupied.

Jonathan Moriarty made a motion to close the public hearing on Case #3246 and was seconded by Chuck Golden and voted 5-0.

Chuck Golden made a motion to approve the special permit on Case #3246, 330 Libbey Parkway and was seconded by Jonathan Moriarty. Voted unanimously.

**Special Permit Criteria for Approval:**

1. The specific site is an appropriate location for such a use.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard 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 with the proposal.

Chuck Golden complimented the detailed parking analysis the board received. He is pleased that the other tenants have offered them additional parking spaces even though it doesn't seem to be necessary. Voted Unanimously.

**Approval of Minutes –November 19, 2014 and December 3, 2014**

Jonathan Moriarty made a motion to approve the minutes of November 19, 2014 as written and was seconded by Kemal Denizkurt. Voted unanimously.

Jonathan Moriarty made a motion to approve the minutes of December 3, 2014 as written and was seconded by Kemal Denizkurt. Voted unanimously.

**Signing of Decisions from prior meetings - 135 Central Street (Case 3247)**

**Other Business:**

Review of Zoning Ordinance Amendment Petition (Measure 14-107) to allow restaurants with less than 20 seats to have drive-through window service in HT zone. Petition submitted by 1255 Main Street business and property owner (Dunkin Donuts).

Abby McCabe, Principal Planner, explained that the Dunkin Donuts on 1255 Main Street is in the highway transition zone and they are not allowed to have a drive through according to the zoning ordinance and they would like one, so they submitted a zoning amendment with the property owner.

Abby McCabe stated that there will be a joint public hearing with Town Council and the Planning Board on January 20, 2015 in the Council Chambers. The Ordinance Committee met Monday evening and some concerns from the Ordinance Committee were the impacts on Washington Street and asked planning staff to look into the lot sizes to consider amending the applicant's proposal to include a minimum lot size of an acre. This may help eliminate a lot of applications.

Kemal Denizkurt is concerned that there isn't a turning lane in the middle of Route 18 being proposed and a left turn to get to a drive through would back traffic up.

Abby McCabe noted that a food establishment without seats is not considered restaurant and that is why a drive-through was allowed at First Stop Bakery down the street. The Dunkin Donuts has seats and is considered a restaurant which is why they are not permitted to have a drive-through in the highway transition zone.

The Board was concerned that if this is approved Route 18 will be flooded with drive-throughs and may get more than one drive-through on a lot with multi-tenant spaces. If the lot size is a one acre minimum for a drive thru then that would eliminate a lot of businesses looking for this.

Jonathan Moriarty asked Abby to look into how many drive-throughs there are from Honda to Pond Street and how many has the board approved in the past 10 years.

Abby McCabe stated she had suggested a drive-through ordinance to provide regulations applicable to all zoning districts in town but that didn't go anywhere and was not being proposed at this time. The number of seats isn't necessarily a strong indicator of traffic and circulation impacts because some drive-throughs such as the Dunkin Donuts on Winter Street and that is always backed up.

Maybe we need to look at the idea of space and stacking and getting people off the road in approving a drive thru. A strict guide line for the board would be very helpful.

**Upcoming Meetings** –January 28, February 11, March 4 and March 25, 2015

#### **ADJOURNMENT**

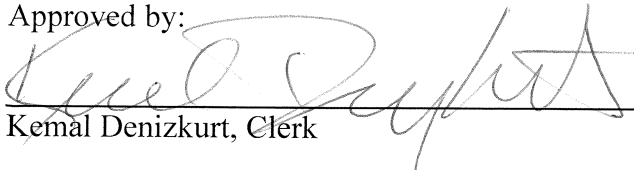
Jonathan Moriarty made a motion to adjourn at 7:45 p.m. and was seconded by Kemal Denizkurt. Voted unanimously.

Respectfully submitted by,

Lee Hultin

Recording Secretary

Approved by:

  
Kemal Denizkurt, Clerk

  
Date