

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, March 4, 2015**

Members Present: Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brad Vinton
Rob Stevens

Absent: Richard McLeod Chairman
Ed Foley, Vice Chairman

Also Present: Abby McCabe, Principal Planner
Jim Clarke, Director of Planning
Lee Hultin, Recording Secretary

Acting Chairman Kemal Denizkurt 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 # 3243 – 110 King Avenue – Public Hearing (Continued from 10/1, 10/15, and 11/19/14) – (McLeod, Denizkurt, Golden, Vinton, Foley)

The petitioner, Liberty Realty Development, Inc., for property located at **110 King Avenue**, shown on the Weymouth Town Atlas Sheet 20, Block 282, Lot 37, located in a R-1 (Single-Family / Low Density Residential) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Extension or change of a non-conforming use or structure (Article XIII, Section 120-40). The property is nonconforming with respect to the use (auto-repair in single-family zone), lot size (25,000 SF, 17,063 SF provided) and lot width (120 ft. required, 75 ft. provided).

Presently located on the premises are two one-story buildings used for automobile repair. The petitioner is proposing to demolish the existing buildings to construct five two-story residential townhouse units in a ~3,150 SF building footprint and 16 off-street parking spaces.

Members sitting: Richard McLeod (absent)
Edward Foley (absent)
Chuck Golden
Kemal Denizkurt
Brad Vinton

The applicant has requested that this hearing be continued to March 25, 2015 to have all five Board members present.

Jonathan Moriarty made a motion to continue Case # 3243, 110 King Avenue to March 25, 2015 and was seconded by Chuck Golden . Voted unanimously.

New Business:

Case # 3248 – 75 Finnell Drive – Public Hearing

The petitioner, Stephen E. Goldman, for property located at **75 Finnell Drive**, also shown on the Weymouth Town Atlas Sheet 36, Block 452, Lots 5 & 12, located in the I-1 (Limited Industrial) 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 IX, Section 120-29E).
- Special Permit: Extension or change of a non-conforming use or structure. The property is nonconforming with respect to lot coverage and landscaping (Article XIII Section 120-39 & 120-40, Article XV, Section 120-51 “Schedule of District Regulations” Table 1.
- Variance: Relief of 16 parking spaces from the minimum required spaces (297 required, 281 proposed) (Article XVII, Section 120-74N &Q).

Presently located on the premises is a fitness and multi-use center on two lots (the Weymouth Club). The petitioner is proposing to eliminate the first floor tennis court use on the first floor and use the area for an exercise and spa area. The existing unused second floor space above the tennis court is proposed to be used as a ~3,200 SF multi-use area, a ~1,350 SF function area, storage, and office use. The proposal also includes a splash pad in the rear pool area.

Jonathan Moriarty made a motion to open the public hearing on Case # 3248 – 75 Finnell Drive and was seconded by Chuck Golden. Voted Unanimously.

Appearing before the Board was the applicant Steve Goldman-Owner, Jeff Lynn-Executive Director and Attorney Gregory Galvin of 775 Pleasant Street, Weymouth.

Attorney Galvin stated that the applicant would like to continue with his plans from two years ago. Mr. Goldman would like to finish the second level with a multi-use area, a function, office and storage use. The club has noticed a drop-off in family memberships. He will loose the existing tennis courts on the first floor, but gain a spa, hot yoga, three 10 and under tennis courts and a summer camp activity area.

A parking study has been done and was submitted with the application. There is additional gravel area that is used for staff parking and hold approximately 30 spaces. In order to pave it, they would need to go before Conservation Committee and they would like to keep it gravel.

There are 282 identified parking spaces and an additional 25 spaces available in a gravel area.

Rob Stevens asked if the sprinkler system was resolved and it was stated if this application was approved all the areas needed will be sprinklered. The timeframe is within the letter submitted.

Rob Stevens had a concern with the pedestrian safety and it was stated that there are plenty of sidewalks and striped crosswalks.

A splash pad photo was distributed and marked Exhibit #1. The applicant would like to install a splash pad for the smaller children in the outside area next to the pools. Attorney Galvin explained there will be a 3 foot fence installed around the splash pad so parents can have a safe play area for the youngest children.

Jonathan Moriarty asked if there have been any incidents in the child pool area and it was stated no, they have not had any major incidents. By adding this splash pad it would take the younger kids out of the pool area that can't swim yet and be moved to a safer area with no standing water.

Brad Vinton stated he is a member of the Weymouth Club and has a child that uses the kiddie pool and the life guards are very strict. The older children 7 and up go into the larger pool.

Mr. Goldman stated that he would be amenable to install a fence along his property line with a sound barrier.

Chairman Denizkurt opened the hearing up to public comment.

Public Comment:

Attorney Frank Baldasini representing two residents, Mr. Metri of 84 Waterford Drive and Richard Crowl of 76 Waterford Drive, rear abutters. These two residents are opposed to the splash pad in the outdoor area as they are both abutters. Mr. Metri has a pool in his back yard and a family and would like to enjoy his outdoor space. There is only a fifty foot set back and it is not enough. The additional noise would impact their outdoor time in the back yard which is already a very short season.

Exhibit #2 was an assessor's map of the area showing the lots abutting the Weymouth Club.

Exhibit #3 is a photograph of the existing fence.

Rob Stevens asked if they are expanding the paved impervious and recreation area currently being used and it was stated no. This area already exists and will not be further explained to the rear.

Jonathan Moriarty asked what elevation the photo was taken from and it was stated about 15 feet, from a second level window. The fence is 8 feet high. Mr. Metri has lived there for 11 years and has been a member of the club for even longer. The tennis court was there when he moved in. The gate in the photo is always closed during the summer months. Neither resident has ever launched

any formal complaint about the Weymouth Club. The neighbors have never objected to any proposals before the Board.

Chuck Golden said the Zoning Ordinance requires a 50 feet setback and the applicant is not looking for a variance. The owner's pool and deck comply with the required setbacks.

Robert Montgomery Thomas – asked if he was increasing the foot print of the building and it was stated no. He asked how long has the club been there and it was stated 28 years. He is in support of this application.

Jim Clarke said the applicant mentioned putting up a fence with some sound barriers. Attorney Galvin said it was discussed back at the neighborhood meeting and they are still willing to do so. Mr. Goldman even proposed to plant some trees along the neighbors side of the fence.

Mr. Goldman stated that if he put up a fence with a sound barrier then he would be taking back 22 feet of his property that Mr. Metri is already using as part of his back yard and didn't want to do that. He felt not having a fence was a good compromise.

The Board asked for Mr. Goldman to provide a fence detail and specification sheet as well as the proposed location of the fence on the proposed plan.

Mr. Galvin stated his applicant is up against at time restraint and wants to make sure all the board members will be there on the 25th of March, it was stated that they would be.

Jonathnan Moriarty made a motion to continue the public hearing for Case #3248 to March 25, 2015 and was seconded by Chuck Golden. Voted unanimously.

Case # 3249 – 211 Main Street – Public Hearing

The petitioner, Hikar, Inc., for property located at **211 Main Street**, also shown on the Weymouth Town Atlas Sheet 29, Block 374, Lot 7, located in a B-1 (Limited Business) and Groundwater and Watershed Protection Overlay District. The petitioner is seeking to modify the decision on Case #3233, Special Permit under Section 120-64.3A Wall Signs and Section 120-40 Extension or change of nonconforming use to allow two existing wall signs "Honda Power" and "Honda Marine" shown on plan prepared by W. McKinnon and Associates to remain on the building.

Jonathan Moriarty made a motion to open the public hearing on Case # 3249, 211 Main Street and was seconded by Brad Vinton. Voted unanimously.

Andrew Gordon from Weymouth Honda stated this is his third application Before the Board.

Jim Clarke stated that at the last case application (over the summer) before the Board, the Board and staff asked for a few signs to be removed while others were approved. The applicant is asking the Board for an amendment to allow the two signs that were supposed to be removed, remain.

Ms. McCabe stated that these signs were recommended to the Board to be removed and the Board approved what the Planning Department recommended. The applicant was not happy with the decision and is asking to keep them.

Mr. Gordon explained that the motorcycle building signs were sitting in a warehouse. The cars portion of the building they are looking to improve in the phase II.

Jonathan commented that he remembers the original proposal was an astronomical amount of signage and it was trimmed down to what they approved. The appeal period has already run out.

Kemal Denizkurt stated that the plan was not approved in its entirety, it was sliced and diced and the Board came up with a final approval. In addition, directional signs were amended and reduced in size.

Jim Clarke stated that after the final approval, Weymouth Honda stated that they would like to keep these two signs up and Jim informed them they could come back before the Board.

The applicant is looking to restore these two signs at an additional approximately 60 square feet total, each sign is approximately 30 square feet.

Rob Stevens said he recalls they approved a new highway pylon sign with the last application and it was agreed to reduce some of the signage as a concession and the wall signs were part of that reduction. Rob asked for clear specifications on these signs as he is confused as to what signs he is even looking to keep. Mr. Gordon responded that these two signs already exist and would like them to remain unchanged.

Jonathan Moriarty commented that he was inclined to deny the application and asked for an audio of the discussions on this case. Ms. McCabe will provide audio's to the Board for their review.

Chairman Denizkurt opened the hearing up to public comment.

Public Comment:

Bob Thomas, 848 Washington Street, stated his support for this signage application and would like to see the Board work with this applicant.

The Board asked the applicant to provide specifications on the two requested wall signs showing the details and dimensions of the signs.

Jonathan Moriarty made a motion to continue Case # 3249 to March 25, 2015, seconded by Chuck Golden and unanimously voted.

Case # 3251 – 111-113 Grant Street – Public Hearing

The petitioner, Thomas Gingras, for property located at **111-113 Grant Street**, also shown on the Weymouth Town Atlas Sheet 19, Block 261, Lot 16, located in the R-1 (Residential, Single-Family

/ Low Density) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Extension or change of a non-conforming structure. The property is nonconforming with respect to the minimum side yard setback (2.5 ft. provided, 10 ft. required) (Article XIII, Section 120-39 & 120-40, Article XV, Section 120-51 "Schedule of District Regulations" Table 1.

Presently located on the premises is a two-family residence. The petitioner is proposing to construct a 16 ft. x 26 ft. dormer on the second floor within the same building footprint. The structure is set back 2.5 ft. from the northerly property line.

Jonathan Moriarty made a motion to open the public hearing on case # 3251 and was seconded by Chuck Golden. Voted unanimously.

Appearing before the Board was the applicant and owner Thomas Gingras. He is looking to add a dormer to the back of the two-family house to increase the size of two bedrooms. The number of occupants will not change and they are staying within the existing foot print.

Ms. McCabe said none of the departments had any concerns with this and the oldest building department records dating back to 1973 show a two-family residence within the side yard setback.

Public comment:

Scott Ericson, 1641 Commercial Street, stated he has no opposition to this application.

Alice Wells, 105 Grant Street, is the abutter on the other side and she has no problems with this and also would like him to fix his roof.

Jonathan Moriarty made a motion to approve the application for special permit on Case # 3251 based on the following findings of fact:

1. The specific site is an appropriate location for such a use.
The two-family within the side yard setback has existed as far back as our records indicates. The residence was constructed in 1902 or 1903.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town.
The earliest documentation in the building files show the property listed as a two-family in September 1973.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
According to the applicant, the proposed 2nd floor addition is to expand the existing bedrooms and will not increase the number of occupants or bedrooms.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Six parking spaces are provided on the property.

5. The public convenience and welfare will be substantially served.

This motion was seconded by Chuck Golden and voted unanimously.

Review of Minutes – January 7, 2015

Jonathan Moriarty made a motion to approve the minutes of January 7, 2015 as written and was seconded by Chuck Golden. Voted unanimously.

Other Business:

Ms. McCabe reminded the Board members that the conflict of Interest and Ethics Training Reminder due by March 31, 2015.

Update on 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). Ms. McCabe informed the Board that this zoning change was approved by Town Council with the added verbiage that it must be at least an acre lot.

Upcoming Meetings – March 25, 2015, April 15, May 6, 2015, May 27, 2015

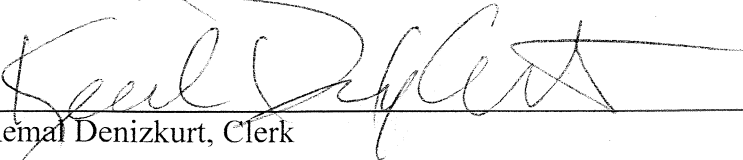
ADJOURNMENT

Jonathan Moriarty made a motion to adjourn at 9:22 pm and was seconded by Chuck Golden. Voted unanimously.

Respectfully submitted by,
Lee Hultin

Recording Secretary

Approved by:


Kemal Denizkurt, Clerk

3/25/15
Date