

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

Wednesday, November 7, 2018, 7pm
McCulloch Building, Mary McElroy Room
182 Green Street, Weymouth, MA 02191

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Brandon Diem

Not Present: Ed Foley

Also Present: Eric Schneider, Principal Planner
Janet Murray, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Old Business:

1. **Case #3362** - Continued from 9/26/2018, (Public Hearing not opened) The petitioner, Aldon Electric, Inc. for property located at **38 Greenwood Avenue**, also shown on the Weymouth Town Atlas sheet 25, block 335, lot 5, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-40	Extension of an existing non-conforming use or structure (existing commercial use is pre-existing nonconforming in the R-1 Zone.
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At present the property is being used as an electrical contractor's yard, with an office building, attached work shop, storage building and parking lot. The applicant seeks to pave the existing gravel parking lot with black top.

Mr. Moriarty made a motion to open the public hearing on Case #3362 and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

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

Mr. McLeod informed the applicant that there were only four (4) members present rather than five (5). The applicant will need all four votes for approval but has the right to request a continuance. Mr. Tanzi opted to proceed.

Mr. Greg Tanzi, Patriot Permitting, appeared before the board representing the applicant, Aldon Electric, Inc. Mr. Donald Mullaney, a principal of Aldon Electric was also present.

Mr. Tanzi stated that the applicant is requesting to pave the parking lot of the property.

He added that this commercial building is located in an R-1 zoning district and has been in existence prior to zoning regulations. The use of the property will not change. Mr. Tanzi reviewed the plans for the board.

Mr. Tanzi noted that the applicant has been before the Conservation Committee and they have received comments. They will appear before the committee again next week. He noted that the comments have been addressed.

Mr. McLeod asked if both buildings will remain. Mr. Tanzi stated that they will remain.

Mr. McLeod asked if the graveled areas will be paved and used for parking. Mr. Tanzi stated that the gravel area will be paved but it is not for typical customer parking. It is for access to the dry storage buildings for the trucks.

Mr. Schneider stated that he had spoken with Mary Ellen Schloss, the town's Commissioner, and her comments were positive. He added that the neighbors were notified and there was no response. There is currently no onsite storm water management.

Mr. Moriarty asked about the number of cars parked onsite. Mr. Mullaney stated that he has 13 employees who park in the front and the back. He stated that the present gravel lot needs to be re-done approximately every two (2) years. The paving will help keep the dust down.

Mr. Denizkurt asked if there would be any changes to the outdoor lighting. Mr. Mullaney stated that there is existing security lighting which turns off before 11pm. No changes are planned.

Mr. Schneider stated that the taxes on the property are current.

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

Mr. Moriarty made a motion to close the public hearing and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Denizkurt made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3362.

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes 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.

The motion was seconded by Mr. Moriarty. PASSED 4-0.

New Business:

1. **Case #3366** - The petitioner, Guido Marinilli Trust, Fausta Marinilli, Trustee, for property located at **247 Washington Street** also shown on the Weymouth Town Atlas sheet 20, block 275, lot 16, located in the B-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance.

Mr. Moriarty made a motion to open the public hearing on Case #3366 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. McLeod informed the applicant that there were only four (4) members present rather than five (5). The applicant will need all four votes for approval but has the right to request a continuance. Attorney Jennings opted to proceed.

Attorney Jennings, 775 Pleasant Street, Weymouth, appeared before the Board on behalf of the applicant, Fausta Marinilli. The property has a 2-family dwelling and a commercial building. The commercial building will be converted to a 2-family dwelling.

Attorney Jennings reviewed the proposal for the board. He noted that the building will largely remain the same. However, the commercial windows on the front of the building will be replaced. He also reviewed the parking plan.

Attorney Jennings A sprinkler system will be needed as there is only one egress from the dwelling. He added that there is a firewall between the two structures.

Mr. Denizkurt asked about the dumpster. Attorney Jennings stated that there will be a rolling dumpster. The location near parking spot number four (4) is a better spot.

Mr. Schneider noted that to be in compliance with the current town zoning ordinance, the dumpster must be enclosed and screened in, and must be located in a permanent position.

Attorney Jennings stated that the existing sign will be removed.

There is an existing snow removal plan.

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

Mr. Moriarty made a motion to close the public hearing and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Denizkurt made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3366.

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes 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.

with the following conditions: 1) the dumpster is enclosed and in a permanent location; 2) there will be a fire suppression system; and 3) the existing signage will be removed. The motion was seconded by Mr. Moriarty. PASSED 4-0.

Other Business:

Minutes: 9/26/2018

Mr. Moriarty made a motion to approve the minutes from 9/26/2018 and was seconded by Mr. Denizkurt. VOTED UNANIMOUSLY.

Upcoming Meetings: November 28, 2018, December 12, 2018

ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 7:37pm and was seconded by Mr. Denizkurt. VOTED UNANIMOUSLY.

Approved by: Kennel Deniz Kurt 11-28-18
Mr. Deniz Kurt, Clerk Date