

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

March 20, 2019

McCulloch Building, Mary McElroy Room
182 Green Street, Weymouth, MA 02191

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
MAY 15 AM 8:42

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

Not Present: Ed Foley

Also Present: Robert Luongo, Director of Planning
Eric Schneider, Principal Planner
Janet P. 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:

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

Not Present: Ed Foley

1. **Case #3378** - (Continued from 2/13/19) The petitioner, Hoang Nguyen as Trustee, for property located at **1055 Main Street** also shown on the Weymouth Town Atlas sheet 49, block 555, lots 27A and 27B, located in the B-1 and Commercial Corridor Overlay Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	Article VIIB Commercial Corridor Overlay District
Variance	120-25.17 (B) Setbacks, 120-25.17 (C) abutting residential

The subject property is 36,400 sf and the site of an existing liquor store and closed bowling alley. Petitioner seeks to demolish both structures and to build a mixed-use building comprised of approximately 7,000 square feet of retail with 24 one-bedroom apartments above.

Attorney William Brown appeared before the board on behalf of the applicant, Hoang Nguyen.

Mr. Brown gave an overview of the plan and pointed out changes that have been made. He stated that there is a lighting plan which calls for LED lighting directed in toward the property.

Mr. Brown stated that he did not agree with the condition proposed to have the management company subject to approval by the Planning Department. He added that he did not believe that as much stockade fencing is needed as there will be landscaping.

He continued that the building has been reduced from five stories to four. The rooftop deck has been removed. There will be no balconies overhanging the building.

Mr. Brown stated that the curb cut onto Route 18 will be designed to make it difficult to exit to the left onto Route 18. He added that this will be reviewed by the fire department.

Mr. McLeod noted that the dumpster is still shown on the portion of the lot that abuts the residential property. Mr. Brown stated that the dumpster will be moved about 40 feet from the original location.

Mr. Christian asked if they had considered having trash disposal inside the building.

Mr. Schneider pointed out that Mr. Christian will not be voting on this application.

Mr. McLeod asked if there is a requirement that dumpsters be located outside. Mr. Luongo stated that they are allowed within the building.

Mr. Brown stated that this is a possibility and he would look into it.

Mr. Denizkurt asked about the size of the parking spaces. Mr. Brown stated that the parking spaces will be designed using the town zoning requirements.

Mr. Diem asked about the rear elevation. Mr. Brown stated that it is a veneer.

Mr. Moriarty asked what the size of the store will be. Mr. Brown stated that it will be about 4500 SF. He added that the community room will be on the first floor. There will be 24 parking spaces for the retail and 30 for the residents.

Mr. Moriarty expressed concern that the retail customers will be entering from Route 18 and then exiting, through the residential parking lot, onto Derby Street. He asked if there was any trip data. Mr. Brown stated that they did not do a traffic study.

Mr. Schneider stated that the town's traffic engineer did not request a traffic study.

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

Robert Belcastro, 46 Derby Street, expressed concern about the water drainage. He stated that he runs two sump pumps in his building because of water problems.

Mr. Luongo stated that the stormwater plan has not been submitted yet. The plan will be reviewed by the town's engineering department.

John Dolan, 12 Fern Road, asked if there could be screening for his property during the construction. Mr. Brown stated that screening would be put in place prior to the building demolition and subsequent construction.

Mr. Luongo spoke on behalf of Councilor Smart who was unable to attend this evening. He stated Councilor Smart has seen tremendous progress with the applicant and is pleased with the design. There is still concern regarding how much of Fern Road will be paved.

There was discussion regarding the paving of Fern Road. It was noted that Fern Road is a private way. A suggested condition could be that the applicant contribute up to \$15,000 for paving. If there is an issue, the applicant can return for a modification of the application.

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 #3378.

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, 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.

The following conditions will apply:

- All signage for the building including retail signage shall be approved by both the Building Inspector and Planning Director.
- Dumpsters, heating, ventilation, air conditioning, mechanical, electrical, gas, and plumbing equipment as well as loading docks shall be fully screened from public view.
- Location of loading dock and dumpsters(s) shall be approved by the Building Inspector and Planning Director.

- The applicant shall hire a qualified building management company which will oversee long-term maintenance and management of the building. (Mr. Brown acknowledged that although this may be outside of the purview of the Board of Zoning Appeals, he is willing to accept this as a condition.)
- Final landscaping plans, including number, types, and sizes of plantings shall be approved by the Planning Director. All green areas shall be fully irrigated.
- The exterior lighting plan for the building and parking lot including style, location, height, and number shall be approved by the Planning Director. All lighting shall be LED.
- All fencing including style, type, and height shall be approved by the Planning Director. Fencing shall be located along the entire length of the north facing property line. On the western property line, fencing or landscaping shall be provided.
- Temporary screening shall be provided along the Dolan's property line (12 Fern Road) during demolition and construction.
- Building shall be a maximum of four stories with no roof deck.
- Residential units shall have no balconies.
- The curb cut on Main Street shall be limited to vehicles entering the site only. No exit onto Main Street from this curb cut shall be allowed. The curb cut on Derby Street shall be for vehicles entering and leaving the site.
- Extend the public sidewalk on the south side of the property on Derby Street to the southwest corner of the applicant's property. Sidewalk material shall be same as to be installed by MASS DOT. Side walk shall have granite curbing.
- This plan is subject to the approval of the Weymouth DPW and Town Engineer for storm water management, drainage, sewer, and water connections.
- The plan is subject to the approval of the Fire Department.
- The applicant agrees to micro mill and resurface a portion of Fern Road. from the point where MASS DOT finishes paving on Fern Road to the end of Fern Road (approximately 215 feet). If the cost of the applicant's commitment is too high at the time of construction, the applicant shall reserve his right to seek a minor modification.
- Best effort will be used to communicate with the abutters regarding demolition and construction.

The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

VARIANCE

Mr. Denizkurt made a motion to approve this application for a variance because the applicant has shown a hardship based on the soil condition, shape, and topography of the lot and because this is a corner lot, there is no other placement for the building. The Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

NEW BUSINESS:

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

1. **Case #3377** - The petitioner Greg Correia, for property located at **138 Fort Point Road** also shown on the Weymouth Town Atlas sheet 2, block 6, lot 33, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit 120-38.3 (D) Construction within a floodplain

The subject property is 7,237 sf with an existing single-family home. Petitioner seeks to raise the existing home on pilings to bring the BFE (Base Flood Elevation) above existing flood elevation.

Mr. Moriarty made a motion to open the public hearing on Case #3377 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. and Ms. Correia appeared before the Board. They explained that they are looking to elevate their property through a Federal Emergency Management Agency (FEMA) grant.

Mr. Schneider stated that the applicant has gone through the Conservation Commission process and have completed the review.

Mr. Moriarty asked if there will be breakaway walls to improve the aesthetics of the area.

Ms. Correia stated that they intend to install breakaway slats. She added that this work cannot be done as part of the FEMA construction. It must be done after the project is completed.

Mr. Luong asked if there will be parking under the house. Ms. Correia stated that there will be parking.

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

Mr. Kryzanovski, 131 Fort Point Road, stated that he is concerned about the common driveway that he shares with the applicant will be blocked during construction and limit his access to his property.

Mr. McLeod stated that a condition can be required that the driveway not be blocked.

Mr. Kryzanovski stated that in order to raise the house, heavy machinery must be used. He added that he has been told by two firms that there is no way to raise the house without blocking the driveway.

Mr. Moriarty asked if Mr. Kryzanovski is willing to work with the neighbor. Mr. Kryzanovski stated that he is not opposed to the project. Mr. Moriarty asked if he would be willing to wait a few minutes while a vehicle blocking the driveway is moved.

Mr. Kryzanovski asked if a plan could be submitted to him about when the machines will be on site.

Mr. and Ms. Correia agreed to work on a plan of scheduled times.

Mr. McLeod stated that conditions can be required that no vehicles or materials are to be stored on driveway, but this would not include temporary blockage, communication to occur when longer inconvenience will happen, and an exchange of Email and phone numbers.

Mr. Luongo stated that the Building Department has construction management protocol and will work with the applicant, the abutter, and the construction company to work out a construction management plan.

Mr. Moriarty suggested placing a camera so that they have a view of their property.

If there are serious problems, Mr. Kryzanovski could contact the applicant or Building Department.

The project is expected to be completed within 3-6 months.

Mr. Kryzanovski asked if there will be screening to protect his property from debris. Mr. Luongo stated that this would be a part of the construction plan.

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

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3377.

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, 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.

The following conditions will apply:

1. There will be no storage of vehicles or materials on the 15 foot right of way.
2. Contact information will be provided (telephone and/or email address).
3. The applicant will work out a construction management plan with the abutter and the Building Department.
4. Within one year after the project is completed, the applicant will install breakaway slats and screen beneath the raised house.

The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

OTHER BUSINESS:

Minor Modification Request - 824 Washington Street - Domino's Pizza: Request to amend Special Permit Decision dated July 1, 1991 restricting the hours of retail operation to no later than 11 PM. Domino's, a current tenant, wishes to conduct food deliveries from this location until 1 AM.

Mr. Schneider clarified that this is a public meeting for an administrative approval and not a public hearing.

Mr. William Mohan appeared before the Board on behalf of the tenant, Domino's. He stated that they were before the Licensing Board in February requesting to extend the hours of operation to 1am. He added that there was a question as to whether the request needed Board of Zoning Appeals approval.

Mr. Mohan explained that the State of Massachusetts considers Domino's a bakery. The location in question does not have seating. He added that almost 50% of Domino's business occurs after midnight.

Mr. Schneider stated that this location is in the same plaza as Alumni Pizza which is a restaurant and is open until 1am.

Mr. Robert Montgomery Thomas, 848 Washington Street, submitted a letter in support of the request.

A motion was made by Mr. Moriarty to approve the request for Domino's to remain open until 1am and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Minutes: 2/6/19 and 2/13/19

Mr. Moriarty made a motion to approve the minutes from 2/6/19 and was seconded by Denizkurt. VOTED UNANIMOUSLY.

Mr. Moriarty made a motion to approve the minutes from 2/13/19 and was seconded by Denizkurt. VOTED UNANIMOUSLY.

Upcoming Meetings: April 10, 2019

ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 8:30pm and was seconded by Mr. Denizkurt. VOTED UNANIMOUSLY.

Approved by:
Mr. Denizkurt, Clerk



5-8-19
Date