

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

June 26, 2019

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

TOWN OF WEYMOUTH
2019 AUG 15 AM 9:32

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

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.

New Business:

1. **Case #3389** - The petitioner Lester R. Fulton & Sons Inc., for property located at **81-R Hawthorne Street** also shown on Weymouth Town Atlas sheet 23, block 316, lots 2 & 58, 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 or change by special permit
Variance	120-56	Frontage width

The subject parcel is 2.4 acres with 30.1 ft. of frontage and an existing 2900 sf commercial building. Petitioner seeks to extend the non-conforming use by adding a residential use, a single family home, and maintaining the carpentry shop as an auxiliary use.

Mr. Foley made a motion to open the public hearing on Case #3389 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

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

Attorney Raymond Jennings, 775 Pleasant Street, Weymouth, appeared before the Board on behalf of the applicant, Lester R. Fulton & Sons Inc. Mr. Jennings gave an overview of the project.

Mr. Foley asked about what is going on in the structure. Mr. Jennings stated that it is used as a carpentry/fabrication shop for the past 70 years.

Mr. Foley asked if the applicant is creating his own hardship.

Mr. Jennings stated that it is in an R-1 use area.

Mr. Foley asked if a Fulton family member will live in the proposed dwelling. Mr. Jennings stated that this has not been decided at this time.

Mr. Foley asked if there will be two houses along with the shop. Mr. Jennings stated that the house at 81 Hawthorne was split from the property years ago.

Mr. Denizkurt asked how the applicant proposes to sell the house with the existing shop on the site. Mr. Jennings stated that the site could be attractive to someone in the construction business similar to what the site is currently being used for.

Mr. Denizkurt asked if there are utilities to the shop. Mr. Jennings stated that there is electricity and the shop is serviced by a cess pool. He added that services would be improved as per the building permit process.

Mr. Schneider stated that the town allowed the subdivision of the land.

Ellen Fulton stated that her father-in-law, Lester R. Fulton purchased this property in 1926.

Mr. Foley asked if the 31 feet of frontage is for both properties. Mr. Jennings stated that 81 Hawthorne has a right of way over the frontage owned by the applicant.

Mr. Moriarty asked about emergency vehicle access. Mr. Jennings stated that because Hawthorne Street has a sharp turn, emergency vehicles would be able to pull straight into this property.

Mr. Foley asked if the applicant has filed a Notice of Intent with the Conservation Commission. Mr. Jennings stated that this process has been started.

Mr. Schneider noted for the record that the Board received three letters of support (emails) from neighbors:

- Shawn Laugalis, 79 Hawthorne Street
- Alan and Amanda Werner, 75 Hawthorne Street
- Brenda Koeniger, 83 Hawthorne Street

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

Patty Jones, 62 Alta Road, expressed concern about the workshop and future use that could impact noise in the surrounding neighborhoods.

Mr. McLeod asked if there were any restrictions on the shop. Mr. Schneider stated that the shop is a legal non-conforming use; anything more intensive use would

require a special permit. He added that the Board could condition this application regarding future use. The site could be limited to use as carpentry shop.

Mr. Moriarty stated that framing is part of carpentry. He added that other business uses could be allowed for storage.

Dave Fulton stated that he worked at the shop for 15 years. He stated that framing has been done on site but they were respectful of the neighbors and kept the doors closed. He added that it has also been used as a mill shop.

Cynthia Fulton Biagini, 81 Hawthorne Street, stated that noise and vehicle traffic has never been a problem.

Mr. Moriarty asked about outdoor storage. Mr. Fulton stated that concrete materials may be stored outside but not much else.

Ms. Jones stated that there is no noise currently. She is concerned about future use.

Mr. Fulton noted that his sister who lives next door has the same concerns regarding noise.

Cliff Connolly, 24 Alta Road, stated that he is not opposed to the home being built. He echoed Ms. Jones concerns about future use and potential activity and noise. He asked if the property is sold can anything else could be built such as condos. Mr. McLeod stated that any type of use change would require a hearing before this Board.

Mr. Schneider added that this is an R-1 zoned property. He noted that in walking the site, there appears to be no room for any additional construction especially due to the presence of wetlands.

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

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3389.

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:

- No increased noise levels,
- Hours of operation will be 7:30am to 4pm (consistent with Zoning Ordinance), Monday thru Friday,
- No trucks, construction, or refuse vehicles
- No storage of large, oversized commercial vehicles,
- Use consistent with present use,
- No outside storage of materials,
- No outdoor cutting or nailing,
- No outside dumpster; If a dumpster is required, the applicant will return to the Zoning Board,
- A potential vernal pool is located on the property. Applicant must file a Notice of Intent with Weymouth Conservation Commission before any site work is done or building permits are issued.

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

VARIANCE

Mr. Foley made a motion to approve this application for a variance because the applicant has shown a hardship due to the topography, geographical shape of the property and the presence of wetlands and ledge. 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.

2. **Case #3390** - The petitioner Bruce Hanson, for property located at **16 Central Street** also shown on Weymouth Town Atlas sheet 49, block 526, lot 35, located in the B-2 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit 120-27 (A) Use by special permit

The subject property is 49,798 SF with an existing office building. Petitioner seeks to convert existing office building to a single family home.

Bruce Hanson appeared before the Board. He stated that he has owned this property for approximately 20 years. It has been used as a medical/dental building. During a cold freeze, one of his tenants turned off the heat which resulted in burst pipes. The property needs to be renovated. As the property has never made him money, he would like to turn it into a home for his grandson, wife, and their two children.

Mr. Foley asked how big is the lot. Mr. Schneider stated that it is 18733 SF and the building is 1800 SF.

Mr. Foley asked if the building will be razed. Mr. Hanson stated that he would not raze it. The first floor will be used as the residence and the garden level will be used as a basement.

Mr. Foley asked if the tax bill would change as the property changes to residential use. Mr. Schneider stated that it would change.

Mr. Foley asked about the uses on the abutting properties. Mr. Hanson stated that there is a multi-family home, a building with two apartments above a lawyer's office, and two multi-family homes across the street. Mr. Hanson added that he owns the abutting property to the rear of 16 Central Street. The surrounding properties are zoned B-2.

Mr. Schneider asked about the abutting property that Mr. Hanson owns and how these two properties coexist. He stated that there seems to be an overflow of vehicles from the abutting business property. Mr. Hanson stated the vehicles are his personal property such as an camper, trailer, motorcycle trailer, and wood chipper.

Mr. Schneider asked about the chain link fence with a gate. Mr. Hanson stated that the gate is closed but when there is snow he opens the gate to push snow off of the abutting property as it is completely fenced in and the accumulation of snow overwhelms the lot.

Mr. Foley asked about Mr. Hanson using the 16 Central Street lot to store cars. Mr. Hanson stated that he has used the property to store a if a customer is picking up or dropping off after hours. He added that he also has used the property to exit/enter his business.

Mr. Foley asked if this activity will continue if the 16 Central Street property is converted to single-family use. Mr. Hanson stated that this is possible.

Mr. Diem asked if the majority of the property is paved. Mr. Hanson stated that there is some areas of landscaping.

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

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

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3390.

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 work will be done in accordance with current building and fire codes as determined by the Weymouth Building Department,
- Building Department will inspect the gate usage to determine usage.

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

Members Present: Richard McLeod, Chairman
Jonathan Moriarty
Ed Foley
Brandon Diem
Robert Christian

Mr. Denizkurt recused himself from this case as he is a member of the Pond Plain Improvement Association.

3. **Case #3391** - The petitioner Pond Plain Improvement Association, for property located at **330 Pond Street** also shown on Weymouth Town Atlas sheet 57, block 592, lot 13, 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 or change by special permit.

The subject property is 39,200 SF with an existing community center and function hall. Petitioner seeks to expand and pave parking lot.

Mr. Foley made a motion to open the public hearing on Case #3391 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

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

Shawn Hardy, professional engineer, and Tim Barry, current president of the Pond Plain Improvement Association, appeared before the Board.

Mr. Foley asked if the runoff has been addressed. Mr. Hardy stated that the site will be regraded.

Mr. Foley asked about the stockade fence. Mr. Hardy stated that it would be wood.

Mr. Moriarty cautioned that the motion sensor lights have the potential to be flickering all night. He also asked about shrubbery.

Mr. Hardy stated that there was discussion about shrubbery versus fencing. He noted that there is a finite time limit on the grant.

Mr. Christian asked if the increase in parking will result in an increase in usage and function. Mr. Hardy stated that he did not foresee this happening but it certainly could happen. He added that the proposal is to accommodate current usage.

Mr. Diem asked if there will be any additions on the building. Mr. Hardy stated that the downstairs was renovated. The function hall upstairs is 120 and the lower level is approved for 60 for a total of 180. Mr. Barry added that in discussions, they have stated that having both areas occupied at the same time will be avoided.

Mr. Moriarty asked if the building is rented out to the public. Mr. Hardy stated that it is rented out. Mr. Hardy added that the capacity of the hall is not being increased.

Mr. Schneider stated that they have been focused on concerns from the abutters about lighting and noise.

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

Beth Coffey asked about a timeline for the fence to be installed as some work has already been done. Mr. Hardy stated that the work stopped to comply with the Town's order. Mr. McLeod stated that there is an appeal period if the application is approved.

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

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3391.

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:

- A 6-foot tall stockade fence will be installed along portions of the eastern and northern property lines as shown on the Site Plan submitted by Hardy and Man Design Group, PC dated 5/23/2019.

- A maximum of two (2) light posts will be installed along the eastern property line abutting Abbot Street. Applicant will ensure that the lights will be shielded and not illuminate abutting properties.
- Applicant will, to the satisfaction of Town of Weymouth Engineering Department, provide detail of swale or other water management structure to ensure additional runoff is not directed toward abutting properties on Abbot Street.

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

Minutes: 5/8/19 and 6/5/19

Mr. Foley made a motion to approve the minutes from 5/8/19 and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Mr. Foley made a motion to approve the minutes from 6/5/19 and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Upcoming Meetings: July 24, 2019

ADJOURNMENT

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

Approved by:

Mr. Deniz Kurt, Clerk



8/14/19
Date