

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
February 26, 2020, 7:00 p.m.
McCulloch Building, Mary McElroy Room
182 Green Street, Weymouth, MA 02191

RECEIVED
TOWN OF WEYMOUTH
CLERK'S OFFICE
2020 MAY -1 PM 12:35

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

Also Present: Robert Luongo, Director of Planning & Development
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:

1. **Case #3405** - The petitioner, JS Barry Development LLC, for property located at **1193 Commercial Street** also shown on Weymouth Town Atlas sheet 19, block 249, lot 34, located in the OSD district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-40	Extension to a non-conforming lot
Special Permit	120-39	Continuation of non-conforming use
Special Permit	120-37.1B	Reuse or surplus public and quasi-public property

The subject property is 28,533 sf with a former 8,343 sf rectory/parsonage. Petitioner seeks to renovate existing building, construct 12 dwelling units and construct an addition to provide a new accessible entrance lobby with an elevator.

Mr. Foley made a motion to re-open the public hearing on Case #3405 and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

Mr. Barry appeared before the Board. He stated that he had an on-site meeting with Ken Ryder, Mr. Luongo, Mr. Schneider, and the applicant. There was also a meeting with a representative from the archdiocese as well as the Pastor of Immaculate Conception.

He stated that he believed that the signage issue was resolved with Mr. Ryder. He also stated that the 3rd access point between the two of the church's parish buildings will be blocked with two bollards and a chain as well as a lock box with a key for fire department access.

Mr. Barry added that a photometric plan has been submitted. He reviewed the layout for the Board.

Gregory Morse stated that several revisions have been made to the site plan. A specific change to the circulation plan has been made with the addition of the bollard and chain as well as the sign indicating the street address and that the access is not a through way.

Mr. Morse stated that electrical, telephone, and cable will be accessed off Madison Street. The dumpster will be wood enclosed. The parking lot will have a pavement overlay.

Mr. Foley asked if the archdiocese had given a response to what would happen to the other buildings on the church property. Mr. Barry stated that the property at 1199 Commercial Street is not currently occupied but the archdiocese did not object to blocking off the narrow access point to the church parking lot.

Mr. Luongo noted that the archdiocese has stated that they do not have any current plans for the building at 1199 Commercial Street or the building with the gymnasium.

Mr. Moriarty asked about a snow removal plan. Mr. Morse stated that there are island through the site to store the snow. If there is excess, it will be removed from the site.

Mr. Schneider asked if the lights closest to Mr. Ryder's property could be double lighting. Mr. Barry stated that he agrees to this request.

There was discussion regarding the brick facing transition from the proposed addition to the existing building.

Mr. Luongo asked if Mr. Barry would like to have access to the stairs to Madison Street. Mr. Barry stated that he did not see a need for it.

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

Robert Montgomery Thomas, 20-8 Humphrey Street, stated that he believes that his is a good project.

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 #3405.

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:

- New plans dated 2/18/2020 will be the drawings used
- Two light poles closest to Mr. Ryder's property will be double fixtures

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

Old Business

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

Not Present: Jonathan Moriarty

Also Present: Robert Luongo, Director of Planning & Development
Eric Schneider, Principal Planner
Janet P. Murray, Recording Secretary

Mr. McLeod informed the applicants that there were only four members present. He gave each applicant the option to continue their application until a future date. Each applicant chose to proceed.

1. **Case #3407** - The petitioner, Andre Almeida, for property located at **293 Libbey Industrial Parkway**, Unit 200 also shown on Weymouth Town Atlas sheet 38, block 472, lot 2, located in the POP district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-35.2.2 (H)	Special permit uses - place of assembly or recreation
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Petitioner seeks to relocate existing martial arts and fitness school to accommodate for growing business.

Mr. Foley made a motion to open the public hearing on Case #3407 and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

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

Mr. Almeida stated that the classes are after 5:00 p.m. although there are several small, private training classes during the day, as well as morning classes on Saturday and Sunday. At his current location, 300 Libbey Industrial Parkway, there are eight designated parking spots but they need more spots. This is the reason for the request, more space for the business and more parking
Mr. Denizkurt asked if the new location is currently occupied. Mr. Almeida stated that it is occupied but will be vacated prior to the move.

Mr. Foley asked if the parking in the rear will be used. Mr. Almeida stated that there are five to six spots which will be used for instructors to park if needed.

Mr. Schneider stated that he has no additional comments. He did note that the current business owner has been at his current location for five years with no concerns.

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

Mr. Foley stated that there was a letter from Scott Berry. This was entered into the record as Exhibit #1.

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 #3407.

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 motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

2. **Case #3408** - The petitioner, Tucker and Lauren Wood, for property located at **56 Randall Avenue** also shown on Weymouth Town Atlas sheet 23, block 301, lot 8, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance.

Special Permit 120-40 Extension to a non-conforming lot

The subject property is 11,300 sf with a single family dwelling. Petitioner seeks to construct a 10' x 27' addition with a 26' x 12' deck. The addition will be used for an ADA bathroom and mudroom with ADA access to the home. Deck will have access to the driveway and wheelchair lift.

Mr. Foley made a motion to open the public hearing on Case #3408 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

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

Mr. Domenic Venterelli, DML Builders, stated that the project is to bring the home up to American with Disabilities Act (ADA) by adding a room addition and deck off the back of the house. The property is nonconforming as the building is only six feet from the lot line.

Mr. Foley asked if there were drawings, sketches, or plans. He noted that there is not a certified plot plan. Mr. Venterelli stated that he could provide these documents.

Mr. Venterelli stated that the addition will extend beyond the existing deck by a small amount. The addition will be one-story. There is ledge in the rear and the foundation will be pinned to it.

Mr. Diem asked how close the abutting property at 72 Randall Avenue is to the property. Mr. Venterelli stated that he would need to get this information.

Mr. Schneider stated that although there is information still needed, the special permit should still be able to be approved.

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

Daniel Ceurvels, 72 Randall Avenue, stated that he has no objections to the project.

Mr. Foely 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 #3408.

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:

- The structure will come no closer than 5 ½ feet from the property side yard setback
- The deck will come no closer than 6 ½ feet from the property side yard setback
- Drawings of the dimensions will be submitted to staff

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

Other Business

Minutes: NONE

Upcoming Meetings: March 11, 2020

ADJOURNMENT

Mr. Foley made a motion to adjourn at 8:00 p.m. and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by:

Mr. Denizkurt , Clerk



4-29-20
Date