

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

December 12, 2018, 7pm
McCulloch Building, Mary McElroy Room
182 Green Street, Weymouth, MA 02191

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

2020 JUN -9 AM 9: 50

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Ed Foley
Brandon Diem
Also Present: Robert Luong, Planning Director
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 #3369** - The petitioner, John M. Corcoran & Co., LLC, for property at **1500 Main Street** also shown on the Weymouth Town Atlas sheet 61, block 627, lot 25, located in the B-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance.

Special Permit: 120-25.15 (B) Commercial Corridor Overlay District

Presently located on the property are two commercial/industrial buildings and parking areas. The applicant seeks to demolish the existing buildings and construct one multi-family building and two mixed-use buildings with residential units and commercial space, for a total of ~237 apartments and approximately 6,120 SF of commercial space, with associated parking and utilities.

Mr. Foley made a motion to open the public hearing on Case #3369 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.**

Attorney Frank Marinelli appeared before the Board on behalf of the applicant, John M. Corcoran & Co., LLC. He introduced Peter Mahoney from Corcoran & Co. the director of development for Corcoran; Mary Davis, assistant project manager; Ian Kenny and Matthew Littell from Utile Architecture; and Nicholas Schwartz and Kelly Killeen from CHA Companies.

Mr. Marinelli gave an overview of the project, The Residences at 1500 Main. He stated that a neighborhood meeting was held on December 4, 2018. There was also a meeting with town department heads on November 27, 2018.

There will be further permitting needed for the flood plain. The Conservation Commission meeting is scheduled for December 19, 2018.

Ian Kenny, Utile Architecture, gave an overview of the site design.

Nicholas Schwartz, CHA Consulting, reviewed the landscaping and screening.

Kelly Killeen, CHA Consulting, reviewed the grading, utilities, and stormwater management plan. He pointed out an isolated vegetative wetland adjacent to the project. The plan is designed to Massachusetts Department of Environmental Protection (DEP) standards and meets or exceeds them. He indicated that the Federal Emergency Management Agency (FEMA) map flood plain does not note elevation; this will be mapped out.

Jeffrey Dirk, Vanasse & Associates, reviewed the traffic impacts of the project. Mr. Dirk noted that if, for some reason, the current road improvements being done are not completed by the time this project is ready for occupancy, there will be safety measures completed. He added that it is expected that these improvements will be finished; this is just a safety measure.

Peter Mahoney, Corcoran & Co., stated that the project will seek Leadership in Energy and Design Development (LEED) certification for sustainability.

Mr. McLeod asked if the applicant has an idea of the commercial use. Mr. Mahoney stated that they would look for café use and/or office space.

Mr. McLeod asked if there was concern about filling the retail space considering the empty space within Union Point. Mr. Mahoney stated that visibility, car traffic, and foot traffic are the biggest drawbacks, at this time, for that space. This proposed project has better visibility, car traffic, and foot traffic.

Mr. Foley asked about school-age children. Mr. Mahoney estimated the number of school-age children to be fourteen. The net tax revenue is expected to be \$390,000.

The apartments will be 100% market rate: Studios will make up 60% of the units and will rent for between \$1700-1800, one-bedrooms would be approximately \$2000, and two-bedrooms would be mid-\$2000s.

Mr. Moriarty asked about trash collection and removal. Mr. Mahoney stated that compactors will be located inside buildings B & C. When there is retail use, there will be a separate retail dumpster located within the building; a larger retail use would have an exterior dumpster pad. Snow will be removed off-site as needed.

Mr. Moriarty asked if the building will be pet-friendly. Mr. Mahoney stated that there will be a dog washing area and a dog run. The property will be non-smoking.

Mr. Denizkurt asked about parking and sidewalks. Mr. Mahoney stated that the parallel parking spaces are within the property lines. The sidewalks are ten feet wide. There will be street-level lighting. It will continue what is already on Trotter Road.

Mr. Denizkurt asked about the screening for Plain Terrace abutters. Mr. Littell stated that there will be an over-canopy (8 feet) under-canopy (6-8 feet) and the plantings of the arborvitaes (5-6 feet) with the intent to provide a buffer. The width of the buffer of plantings is at least 15 feet. There will also be a six-foot stockade fence.

Mr. Diem asked about materials. Mr. Kenny stated that the material will be clap board siding for the residential area, and glass and brick for the ground-floor retail space. The gas meter banks, if needed, will be hidden with plantings.

Mr. Schneider stated that this project is under active review and this hearing will likely be continued.

Mr. Luongo stated that there are still several issues being reviewed. The depressed parking (22 spaces) is being reconsidered.

Councilor Smart thanked the developer for the concessions.

He mentioned the 3am trash pick-up which the Board of Health will address.

He continued that he has asked the Department of Public Works (DPW) to look at the catch basins on Plain Terrace. He added that this development must not worsen the water run-off but improve the water management.

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

Dom Esdale, 57 Plain Terrace, asked if the Massachusetts Bay Transit Authority (MBTA) is also looking at the potential volume increase of passengers. He asked if the train frequency will increase the frequency of runs.

Mr. McLeod stated that this question is outside the applicant and the board's authority.

Carmen Dibello, owner of 532 Plain Street which includes Papa Gino's, stated that the sewer attachment/easement is not good for his property. In response to a previous comment regarding pick-ups on his property, he stated that there was no pick-up at 3am.

Councilor Smart replied that a resident informed him that there was a pick-up and it must be investigated.

Mr. Mahoney stated that there is an easement agreement for a sewer pipe.

Mr. McLeod asked if there is a need to upgrade the pipe. Mr. Killeen pointed out the pipe on the map. He stated that the lines are sized to keep the pressure low. He stated that they will test the lines to see how they perform.

Mr. Mahoney stated that the applicant would be willing to take on the obligation to maintain the pipe.

Thomas Orlowski, 50 Plain Terrace, stated that his drain hadn't been cleaned. He added that the dumpster mentioned earlier was emptied before 6am. He is concerned about the additional water run-off from the site. Also, he noted a discrepancy regarding the building B patio and a dog run at the end of the building. He also asked that fencing be added along the property line.

Mr. Greenwood, 27 Plain Terrace, expressed concern about the height of the proposed apartment buildings. He stated that the highest trees planted will be eight feet while the building are four or five stories high. He added that this will cause his property value to decrease.

Diane Clifford, 45 Plain Terrace, asked about fencing. She also expressed concern about rodents and animal dislocation when the existing structures are demolished.

Mr. Schneider stated that the Board of Health is suggesting a condition that rodent extermination occur before anything is demolished. Mr. Mahoney stated that there will be a rodent control plan for the entirety of the project.

Courtney Bierrgard, South Shore Chamber, stated that a formal notice of support was submitted. She stated that the support is because this is a driver for economic development.

Mr. Foley made a motion to CONTINUE the public hearing for case #3369 until January 23, 2018 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

2. **Case #3370** - The petitioner, Ryder Properties, LLC for property located at **660 Broad Street & 18 Filomena Street** also shown on the Weymouth Town Atlas sheet 18, block 249, Lot 1 & 29, 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	Special Permit
Variance:	120-74(Q)	Mixed use parking

Presently located on the property are two industrial buildings. The applicant seeks to renovate the 660 Broad Street structure as a mixed-use building with eight residential units, ~3240 SF of retail space and a restaurant; remove a portion of the structure on Filomena Street and construct one three-story mixed-use building with 12 residential units, and parking, the existing warehouse/storage portion will remain.

Mr. Foley made a motion to open the public hearing on Case #3370 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 Gregory Galvin appeared before the board with the applicant, Ken Ryder, of Ryder Properties. He gave an overview of the project.

Mr. Galvin stated that the drainage is not shown on the plans. It will be determined and addressed once demolition is complete.

There are 12 one-bedroom, and eight two-bedroom units proposed. The site as currently designed, has room for 54 parking spaces. Sixty-eight spaces are required.

There will be two retail spaces of 1500 square feet each which require 16 spaces total.

Mr. Ryder stated that the town approached him to consider purchasing the property. He added that the plan calls for a restaurant.

The parking requirement for the residential units is 40 spots for 20 units. The commercial parking, including the restaurant, requires 16 spaces.

Mr. McLeod asked what the industrial property in the rear will be used for. Mr. Ryder stated that he is moving his office from Washington Street to this location.

Mr. Foley asked Mr. Ryder if he had spoken with the neighbors. Mr. Ryder replied that he had not.

Mr. Foley asked what was potential for the restaurant. Mr. Ryder stated that he has been in contact with someone who is interested.

There was discussion regarding the parking variance. The proposed restaurant would be approximately 1500 square feet.

Mr. Ryder stated that the property is located on an MBTA bus route.

Mr. Luongo, Weymouth's Planning Director, stated that the town has been working with Mr. Ryder. He suggested that the relief be given on the residential parking so

that the one-bedroom unit requirement be reduced to one parking space per unit and the two-bedroom requirement be maintained at two spaces. The restaurant requirement is one space per every three seats

Mr. McLeod noted that to provide more parking spaces would result in the loss of landscaping. He added that there is also other parking off the site, in the neighborhood.

Mr. Denizkurt questioned the chain-link fence on Madison. Mr. Ryder stated that it could be changed to vinyl or wood.

Mr. Denizkurt asked if any of the units would be designated as affordable housing. Mr. Ryder stated that he gets \$1400 for a one-bedroom and \$1600 for a two-bedroom. Compared to what the previous applicant claimed to get for rents, these rents are affordable.

Mr. Schneider asked about a timeline and its impact on the neighbors.

Mr. Ryder stated that the industrial building will be demolished and will take about a week to complete. It will be spring time before any concrete is poured. Clean-up work has been on-going. It will take a year to a year and a half to complete the project.

Mr. Schneider asked about clean-up reports. Mr. Ryder stated that there was groundwater contamination and clean-up is in progress.

Councilor DiFazio stated that there was no reach-out or neighborhood meeting. He stated that a variance may be appropriate. However, he cautioned the board that a variance is based on a hardship. He added that if the project were reduced by four units, the variance would not be required. He stated that the project should be built with top-notch materials for lighting and roofing. He asked that the Planning Department review these materials.

Councilor DiFazio expressed frustration that the number of seats for the restaurant was still unknown. He noted that there are no sidewalks around this property.

Mr. Ryder stated that they are below the floor area ratio (FAR) of .30. This project is .28.

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

Jim Miller, 675 Broad Street, expressed concern about the density. He questioned the lack of a definitive plan.

Albert Tai, 15 Philomena Street, expressed concern about the on-street parking and that Philomena Street is extremely narrow. He suggested that there is still time to have a community meeting.

Alan Alemian, 694 Broad Street, stated that he agreed that there should be a neighborhood meeting.

Mr. Foley made a MOTION to continue the public hearing for Case #3370 to January 23, 2018 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Schneider stated that when the town sends out notifications, they are sent to property owners, not to the occupants of the apartment.

3. **Case #3371** - The petitioner, Charles Parnell, Calpine Fore River Energy Center, LLC for property located at **9 Bridge Street** also shown on the Weymouth Town Atlas sheet 6, block 64, Lot 1, located in the I-2 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-37 (A) Use requiring Special Permit in I-2.

Presently located on the property is a combined-cycle electric power plant. The applicant seeks to install two emergency standby-type diesel generators, each having an integral 5,200 gallons No. 2 fuel oil storage tank with secondary containment.

Mr. Foley made a motion to open the public hearing on Case #3371 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.

Charles Parnell, plant manager of Calpine Fore River Energy Center, stated that they are seeking a special permit to install two emergency standby-type diesel generators.

Eric _____ public manager for the project, also appeared before the board.

Mr. Parnell stated that the project is to install two emergency generators. These generators would be used in the event of a system-wide black-out. He gave a general overview of the project.

Mr. McLeod asked about the noise level during the tests. Mr. Parnell stated that a study was done as part of the air permit application. The minimum background noise is 47 decibels and the expected sound at the nearest abutter property line is 53 decibels.

Mr. Schneider stated that the background noise cannot be increased by more than 10 decibels. He added that there was a difference between the applicants ambient background number and other numbers from other sources. He continued that this is not an issue. When a noise complaint is made, an ambient noise reading would be taken at that time. The applicant is not agreeing to the 47-decibel reading as the ambient reading going forward.

Mr. Parnell stated that these diesel-powered generators would restore power to the plant after a system-wide blackout. He added that noise and emissions are likely to be the major concern of the public.

Mr. McLeod asked if there are other local sites with the same generators. Mr. Parnell stated that there are not. There are other black-start locations, but the locations are confidential.

Mr. McLeod asked what are the emission issues. Mr. Parnell stated that these are typical diesel generators that exhaust fumes. He stated that there will be 30 minutes for testing likely between 10am and 2pm monthly and a 4-hour yearly test.

Rick Novak, counsel for the applicant, pointed out that the special permit being sought is for the 10,000-gallon fuel tanks. He noted that the emissions and noise are still a concern.

Mr. Schneider stated that the Fire Department has no objection but did note that licensing may need to be updated.

Mr. Denizkurt asked what happens if the plant goes off-line. Mr. Parnell stated that they use the power grid to supply the power to restart.

Mr. Diem asked if there was any other proposed use for the generators. Mr. Parnell stated that there are no other proposed use.

Mr. Moriarty asked how much emission compared to an automobile? Mr. Parnell stated that the generators are 40 times the size of a generator used in a home.

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

Eileen Burwell, 50 Monatiquot Street, asked what the oil is for. Mr. Parnell stated that the oil is to fuel the generators. She asked if there were any plans for additional growth. Mr. Schneider stated that the applicant would have to return to the board for approval.

Ms. Burwell suggested that communication with the neighbors would be extremely helpful.

Mr. Parnell stated that he has been working on this and has gone through the neighborhood distributing flyers. He stated that, ideally, an email list would be helpful.

Ms. Burwell stated that she has an email list that she is willing to share.

Mr. Moriarty asked what is the life-expectancy of the generators. Mr. Parnell stated that they expect to use them for 10 years.

Alice Arena, 6 Blueberry Street, asked about the air quality. She asked if the turbine are dual-fueled. Mr. Parnell stated that they are and that they are predominantly fueled by natural gas. Gas turbines cannot run on diesel.

Mike Lang, environmental coordinator for East Braintree, stated that the modeling was supposed to be done on the worst-case scenario. He pointed out that the Fore River Basin is filled with pollution. The proposed compressor on the other side of the bridge and this project will add emissions to further the pollution level. He asked if the generators will be encased in a building. Mr. Parnell stated that they will be encased.

Frank Singleton, 60 Bluff Road, is in favor of this project. However, he expressed concerned about the proposal for five generators at the site across the street.

Mr. Novak stated that there are very clear spec sheets for the generators which could be included in the conditions for the special permit.

Mr. Lang suggested that Weymouth use town mailings to distribute information.

Mr. Luongo stated that there are a number of ways to inform residents. A phone list could be developed to keep the abutting neighborhood informed.

Mr. Burwell, 60 Montiquot Street, stated that there have been many issues with this company. He stated that trucks are coming down Montiquot Street which is dangerous. He added that there is no security or cameras.

Mr. Parnell stated that he has spoken with the truck company. They will input 5 Bridge Street as this is the address that will bring the driver to the main entrance. He added that he went to Town Hall to find out about installing a directional sign.

Mr. Burwell stated that there is no evacuation plan in place. Mr. McLeod stated that this concern, although valid, is not within the purview of the Board of Zoning Appeals. He suggested that Mr. Burwell contact his district councilor for help with this concern. 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 #3371

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.

Conditions:

1. Generators will be tested once a month for 30 minutes and once a year for no more than eight hours.
2. Notification to abutters will be established.
3. Additional noise monitoring will be performed and followed up on.
4. After installation, there will be noise monitoring in response to complaints.

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

Minutes: 11/28/18

Mr. Foley made a motion to approve the minutes from November 28, 2018 and was seconded by Moriarty. VOTED UNANIMOUSLY.

Upcoming Meetings: January 23, 2018, February 13, 2018

ADJOURNMENT

Mr. Foley made a motion to adjourn at 11pm and was seconded by Mr. Denizkurt. VOTED UNANIMOUSLY.

Approved by:  06-4-2020
Mr. Denizkurt, Clerk Date