

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

July 22, 2020, 7:00 p.m.

VIRTUAL

Cisco Webex Meeting

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

2020 AUG 25 PM 2: 06

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

Also Present: Robert Luongo, Planning Director
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. and explained the procedures that would be followed to the people present.

Old Business:

1. **Case #3413** - The petitioner, Diane Pompeo-Maltby, for property located at **126 Wessagusset Road**, also shown on Weymouth Town Atlas sheet 4, block 49, lot 1, 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 or change by special permit
Variance	Table 1 - District Regulations (number of stories)

The subject property is 2,173 SF lot containing a condemned 718 SF single family dwelling with attached decks and porch. It is currently sited over the neighbor's property line and has nonconforming setbacks on two sides. Petition seeks to demolish existing structure and rebuild an elevated 2,023 SF home. Dwelling will be 3 stories but under the 35 foot maximum height.

Mr. Baker stated that they have made a significant changes to the design in order for the dwelling to conform to Town regulations. The dormers on the left have been removed. The variance is no longer needed because they are no longer looking for a height variance. The new design is for a two and one-half story.

Mr. Schneider stated that there is case law that allows for the variance to be withdrawn without the need for re-advertising.

Councilor Pascale Burga stated that she is pleased that the height issue was resolved. She noted that residents still have concerns about the footprint of the building.

Carolynne Greene stated that she has not been able to view anything on the town's website. She expressed concern that the building is right on the lot line.

Mr. Denizkurt asked if the basement area would be screened. Mr. Baker stated that the plan does call for screening.

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 120-40 for Case #3413.

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 condition will apply:

- The applicant will work with the Building Department to install screening on the garage area beneath the residence.

The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED on a roll-call vote as follows:

Mr. McLeod - Yes
Mr. Diem - Yes

Mr. Moriarty - Yes
Mr. Denizkurt - Yes

Mr. Foley - Yes

VARIANCE

Mr. Foley made a motion to APPROVE this application for a variance for a lot less than 5000 SF because the site is a preexisting nonconforming lot. 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 and UNANIMOUSLY VOTED on a roll-call vote as follows:

Mr. McLeod - Yes
Mr. Diem - Yes

Mr. Moriarty - Yes
Mr. Denizkurt - Yes

Mr. Foley - Yes

New Business:

1. **Case #3372** - The petitioner, Warren Sponsler, for property located at **45 Regatta Road**, requests to extend variance for an additional 6 months.

Mr. Schneider stated that this is the second time an extension has been requested. He noted that this request is due to pandemic-related reasons.

Mr. Foley stated that typically the Board would not look favorable on multiple extensions. However, due to the pandemic-related reasons, he believes that this second request is reasonable.

Mr. Foley made a motion to APPROVE the request for an extension of 6 months for the variance and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED on a roll-call vote as follows:

Mr. McLeod - Yes
Mr. Diem - Yes

Mr. Moriarty - Yes
Mr. Denizkurt - Yes

Mr. Foley - Yes

2. **Case #3329** - Request for Minor Modification - The petitioner, Joe Gratta, for property located at **143-145 Washington Street**, also shown on Weymouth Town Atlas sheet 20, block 276, lots 39 & 40, located in the B2 District. The petitioner is seeking to modify previously approved special permit parking requirements and imposed conditions of approval.

Mr. Schneider gave an overview of the request. He stated that the Board had previously granted relief under the Village Center Overlay District for parking based on retail use. The applicant has found an end-user that is a restaurant use, so the parking calculations have changed.

Mr. Schneider stated that under the original approval, relief was given for seven (7) parking spaces; with the change to a restaurant, the applicant will need relief or 23 spaces. This is an increase in the relief of 16 spaces.

Mr. Schneider stated that there is an additional request to no longer have 24/7 public access to the veranda. With this new application/concept, the outside seating would be a part of the restaurant. Due to potential liability, the applicant is asking that what will now be private restaurant space not be shared at-will by the public.

Joseph Gratta, the applicant, stated that Fuel America is a café-style restaurant that will occupy the location. He added that they will be applying for a beer and wine license and will have an outdoor fire pit and couches.

Mr. Schneider asked about the hours of operations.

Jeff Bonasia, the representative from Fuel America, stated that the intended hours are 7am to 8pm on week days and 7am to 7pm week ends. He noted that

due to COVID-19, his other locations have only been open until 4pm. The hours are expected to expand as restrictions are lifted.

Mr. Foley asked about the food being served; is it prepared and assembled onsite and will there be beer and wine sales?

Mr. Bonasia stated that currently they only sell alcohol at the Worcester location. They sell salads and breakfast-type foods

Mr. Foley asked about the dumpster. Mr. Gratta stated that it is not shown on the map. He noted that there will be a separate dumpster which will be located under the building

Mr. Schneider reviewed the Overlay District parking requirements. He pointed out that the Town is significantly expanding the public parking in the area with the construction of the new library. He added that the parking at the library will not be dedicated solely to library patrons.

Councilor Kiely stated that she is excited about this project. She added that she has heard from residents who welcome the upcoming changes and are looking for a pedestrian-friendly landing.

Mr. Luongo stated that he would encourage the location to extend the hours to 9pm or 10pm.

Mr. Bonasia stated that he was willing to expand the hours at the opening, but would cut back if it does not seem to be drawing customers.

Councilor Kiely agreed with Mr. Luongo's request to have the restaurant open later.

Mr. Denizkurt asked about including public parking in the parking calculation.

Mr. Schneider stated that the calculation incorporates on-street and shared parking.

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

Mr. Foley made a motion to APPROVE the request for a MINOR MODIFICATION to strike condition 5 (public will have access to the public patio). The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED on a roll-call vote as follows:

Mr. McLeod - Yes
Mr. Diem - Yes

Mr. Moriarty - Yes
Mr. Denizkurt - Yes

Mr. Foley - Yes

Mr. Foley made a motion to APPROVE the request for a MINOR MODIFICATION to modify the parking relief from seven (7) spaces to 23 spaces. The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED on a roll-call vote as follows:

Mr. McLeod - Yes
Mr. Diem - Yes

Mr. Moriarty - Yes
Mr. Denizkurt - Yes

Mr. Foley - Yes

Other Business

1. **Minutes: 6/24/2020**

Mr. Foley made a motion to approve the minutes from June 24, 2020 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

2. **Upcoming Meetings:** August 19, 2020

3. **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



8-24-2020
Date