

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

September 9, 2020, 7:00 p.m.

VIRTUAL

Cisco Webex Meeting

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

2020 OCT 27 AM 11:13

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

Also Present: Robert Luongo, Planning Director
Eric Schneider, Principal Planner
Monica Kennedy, Assistant Planner
Janet P. Murray, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals virtual meeting to order at 7:00 p.m. on Cisco Webex Meeting and explained the procedures that would be followed to the people present.

Old Business:

1. Case #3416 - The petitioner, Wharf Associates LLC, for property located at **44 Wharf St.** also shown on Weymouth Town Atlas sheet 19, block 172, lot 25, located in the I-2 & Historic Mill Overlay (HMOD) Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-25.29	HMOD
Special Permit	120-38.3, 38.4, 38.5	Floodplain District

The subject property is 155,276 SF parcel of land containing a large commercial warehouse. Petitioner seeks to rehabilitate the existing commercial building into a multifamily residential use for 66 residential units. The petitioner also seeks to replace a removed section with a new building on the rear corner of the site for an additional 18 units. The proposal will include parking for 146 vehicles

Mr. Denizkurt made a motion to open the public hearing on Case #3416 and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

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

Mr. Edward Fleming appeared before the board on behalf of Michael Kiley of Wharf Associates, LLC. Wharf Associates was created by Heritage Companies of Quincy. He stated that other individuals present are the engineer, Karlis Skulte; the architect, David Seibert, and the traffic engineer, Erin Fredette.

Mr. Fleming stated that this will be an historic rehabilitation and an adaptive reuse in the adjacent neighborhood. There will be 84 residential units with 45 one-bedroom and 39 two-bedroom units. In the existing building there will be 66 units and there will be 18 units in a building to be built. As allowed by zoning, 25% of the building could be removed and rebuilt with the same footprint on the property.

The property will have 147 parking spaces which meets the town's requirement of 1.5 spaces for a one bedroom and two for a two bedroom.

Mr. Kiley, Heritage Company and Wharf Street, LLC, gave an overview of similar projects he has previously completed.

Mr. Skulte reviewed the project plans.

Erin Fredette, McManus Associates, is the traffic engineer. She reviewed the potential traffic impacts of the new facility. Ms. Fredette stated that this study was done during the COVID-19 pandemic so the numbers are affected. She stated that lights at Commercial and East Streets are not needed; however, it does need safety measures

Mr. Schneider stated that the applicant has been before the Conservation Commission once, and will likely need to go before them again.

Councilor DiFazio stated that he submitted a letter to the Board. He stated he would like to hear what the interested residents have to say. He asked the Board to keep in mind the special permit criteria. He pointed out that the Board is applying that criteria to a newly-zoned piece of land that has operated as an industrial use.

Councilor DiFazio asked if there would only be one sidewalk on the side of the project, and could the street lighting be ornamental?

Councilor DiFazio stated that this zoning change required that the incinerator be deconstructed and the land cleaned. He acknowledged that this is not the purview of the Board but he does not want this fact missed.

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

Heather Amtower stated that her concerns are about traffic coming onto East Street from Commercial Street. She asked if the numbers presented tonight are new figures.

Ms. Fredette stated that these figures are the same from the neighborhood meeting.

Ms. Amtower stated that traffic numbers are reported that there would be 30-37 trips at peak times during week days with residential use, and 50-57 trips at peak times

during week days with industrial use. She pointed out that these numbers do not take into account weekend traffic.

Ms. Fredette stated that there is no objection to the “No-right-turn” request, but it would need to be sorted out with the town’s traffic engineer.

Mr. Luongo stated that there were measures passed by Town Council to reduce the speed limit on East Street to 25 MPH.

Ms. Amtower stated that lowering the speed limit is not enough and that other measures need to be taken to slow traffic down.

Deb Hanifan, 559 East Street, stated that she highly recommends the “no-right turn” onto East Street. Ms. Hanifan asked about the removal of the incinerator.

Mr. Luongo stated that the responsibility to remove the incinerator falls to the Town of Weymouth, not the developer. He added that Mayor Hedlund is looking at ways to remove the incinerator and the smoke stack. He noted that it is a \$1 million project as the incinerator building has to be abated of contaminants and then demolished.

Mr. Luongo stated that he believes the “no-right-turn” is a done deal.

Mayumi Iwaoka, 90 Wharf Street, stated that during the winter time, Wharf Street is like a one-way street. She asked if this will be the only entrance to the apartments.

Mr. Skulte stated that it would be the only entrance for residential vehicles.

Mr. Denizkurt stated that on the westerly side, there is an opening to the adjacent residential area.

Mr. Skulte stated that this is a wooded area to be left as is.

Mr. Denizkurt asked about the number of cars that can queue from the intersection of East Street and Commercial Street back to Wharf Street.

Ms. Fredette stated that there is approximately 300 feet from Commercial Street, down East Street to Wharf Street. A car is approximately 25 feet long, so there is space for about eight to ten vehicles. She stated that the traffic data does not suggest that there would be a long queue.

Mr. Denizkurt made a motion to CONTINUE the Public Hearing for a SPECIAL PERMIT for Case #3416 until September 30, 2020, and was seconded by Mr. Moriarty.
UNANIMOUSLY VOTED.

New Business:

1. Case #3419 - The petitioner, Larry Antonellis, for property located at **129 Pleasant St.** also shown on Weymouth Town Atlas sheet 45, block 525, lot 2, located in the B-2 & R-1 Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit 120-27 (C) Use-Multiple Dwelling

The subject property is 10,431 SF parcel of land containing a 2-story medical office building being used as a 4-unit office building. Petitioner seeks to convert existing office units to 4 residential apartments.

Mr. Moriarty made a motion to open the public hearing on Case #3419 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. Antonellis appeared before the Board. He stated that he believes that the change of use would be in keeping with the character of Columbian Square. The building is currently a four-unit office property. He would like to change it to a four-unit residential apartment property. Mr. Antonellis stated that there will be no changes to the exterior. There will be improvement to landscaping and a new fence to shield the adjacent apartment building. The interior will be updated.

Mr. McLeod asked about a lighting plan for the parking lot behind the building.

Mr. Antonellis stated that the spot lights will be removed and replaced with motion sensed lights which will be pointed downward.

Mr. Antonellis stated that there will be a small, two-yard roller dumpster which will be emptied twice per week.

Mr. Schneider stated that a more formalized plan with lighting and landscaping is needed.

Mr. Diem asked about secondary egress.

Mr. Antonellis stated that there will be fire escapes from the second floor on the side of the building, but will not face the street.

Mr. Denizkurt asked about the layout.

Mr. Antonellis stated that the building is two-story with two units on the first floor and two on the second floor. There is a basement which is accessed through a bulkhead. Currently it is an earth basement but will be a poured slab. There will be no residences in the basement.

Mr. Christian asked about the traffic flow. Mr. Antonellis stated that the circulation will be to enter the driveway to the right of the building and exit on the left side of the property. Arrows will be placed for directional purposes.

The entrance to the building is from the back parking area on the left side at the back of the building.

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

Councilor Molisse stated that he thinks that this is a great project for the Columbian Square area. He added that Mr. Antonellis has other projects in Weymouth that are well-maintained. He pointed out that the exterior will remain the same, in keeping with the village atmosphere of Columbian Square.

Mr. Luongo asked if this has had residential in the past. Mr. Antonellis stated that he did not know with certainty if there had previously been residential use.

Mr. Luongo stated that if the Board approves this application this evening, it would be subject to conditions, such as a detailed landscaping plan, fencing plan, parking plan, and screening of the dumpster. He added that wall-pack lighting is discouraged as are motion-sensored lighting. A free-standing light is preferred.

Mr. Antonellis agreed to submit more detailed plans to the Planning Department.

Mr. Moriarty made a motion to CONTINUE the Public Hearing for a SPECIAL PERMIT for Case #3419 until September 30, 2020, and was seconded by Mr. Christian.
UNANIMOUSLY VOTED.

2. Case #3420 - The petitioner, RK Weymouth LLC, for properties located at 110-140 Main St. also shown on Weymouth Town Atlas sheet 29, block 329, lots 7, 10, 12, 15, 20 & 21, located in the B-1 & Commercial Corridor Overlay (CCOD) Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-24 (D)	Dispatching Establishment
Special Permit	120-40	Parking Analysis
Special Permit	120-122	Special Permit Criteria

The subject property is currently permitted as a retail shopping center. Petitioner seeks to introduce a new use requiring a Special Permit in +/- 49,000 sf of the existing building. The new use will be a Stop and Shop/Peapod facility. Ocean State Job Lot will occupy the remaining +/- 40,000 sf of the former National Wholesale Liquidators space as of right. Parking requirements for both uses will be reevaluated.

Mr. Denizkurt made a motion to open the public hearing on Case #3420 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

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

Mr. Frank Marinelli, attorney for the applicant, appeared before the Board. He reviewed the proposed plan. He stated that Ocean State Job Lot is proposed for the front portion of the building with Stop & Shop's Peapod facility in the rear portion of the building.

Mr. Marinelli stated that David Katz, principal owner; Eric Freeman, RK Weymouth; Linda Figueiredo, Manager/real estate development for Stop & Shop; and Kirsten Braun, Traffic Engineer are present to provide additional information.

Mr. Denizkurt asked if the front retail space is controlled by Stop & Shop and subleased. Mr. Marinelli stated that it is a separate retail space leased from RK Weymouth. There is a letter stating that Ocean State Job Lot intends to occupy this retail space.

Mr. Marinelli stated that the proposed conditions requested by the town are acceptable to Stop & Shop and RK Weymouth.

Mr. Christian asked about the existing parking spaces. Will the proposed use have a negative impact in that the parking spaces will not be filled.

Mr. Marinelli stated that the use has less of a parking requirement. Traditional retail use does need considerably more parking. He added that once the National Grid property is acquired, the parking lot will be reconfigured with the addition of landscaped islands. The plan submitted meets the town's requirements.

Mr. Moriarty asked if customers will be able to pick-up their groceries.

Mr. Marinelli stated that customer pick-up will not be allowed and alcohol packing and/or delivery will not be allowed.

Ms. Figueiredo stated that product that is close to code is donated. They would be willing to donate to the Weymouth Food Pantry.

Mr. David Baker stated that when food is close to code, Peapod will work with reputable organizations to get the food to people who need it.

Mr. Diem asked about the anticipated traffic from semi-trucks.

Mr. Marinelli stated that tractor trailer deliveries will be from Washington Street and will be approximately 2-3 times per day between 5:30am and 10am. This will happen

prior to the opening of the other retail uses. There will be approximately 20-35 delivery vans entering and exiting spread out over the hours of 5am and 11pm.

Mr. Luongo stated that Owen MacDonald, the town's traffic engineer did not see a problem with the vans entering and exiting from Washington Street. He did note that if there is a problem with this pattern, the applicant would need to return to the Board to look at adjustments.

Mr. Baker stated that when the property is acquired from National Grid, the blue route noted on the "parking and truck turn exhibit", will shift to the right.

Mr. Diem asked if the vans will be parked on the property. Mr. Marinelli stated that they will be registered in Weymouth and stored on site.

Mr. Luongo stated that he was initially opposed to this project. He pointed out that this changes the use from retail to light industrial/fulfillment.

Mr. Luongo stated that Stop & Shop has indicated that they will make significant improvements to the Weymouth retail location at Washington and Middle Streets in 2023.

Mr. Luongo stated that Stop & Shop has agreed that they will not block another food-product store from locating in the front of the building.

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

Janet Murray, 1805 Commercial Street, asked about cut-through traffic using the road around the south side of the property.

Mr. Baker stated that there will be a sign stating deliveries only.

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 three SPECIAL PERMITS for Case #3420.

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 peapod delivery vehicles will be registered in Weymouth
- Exhibit A - any significant change in expected traffic volume will require re-evaluation with appropriate town department
- Exhibit B - plan showing future plans to make landscape improvements that are to be completed
- Exhibit C - Letter from Stop & Shop committing to make substantial improvements to retail Stop & Shop location at Washington and Middle Streets in 2023
- Stop & Shop will not block a food business from occupying the store front facing Main Street
- Appropriate traffic and directional signage for site coordination

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

Other Business

1. **Minutes:** Not received
2. **Upcoming Meetings:** September 30, 2020
3. **ADJOURNMENT**

Mr. Moriarty made a motion to adjourn at 10:00 p.m. and was seconded by Mr. Denizkurt. VOTED UNANIMOUSLY.

Approved by:

Mr. Denizkurt, Clerk



10-26-2020

Date