

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

October 21, 2020, 7:00 p.m.

VIRTUAL

Cisco Webex Meetings

2020 DEC 29 PM 4:02

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. on Cisco Webex Meetings and explained the procedures that would be followed to the people present.

Old Business:

1. **Case #3402** - Request for Modification The petitioner, Brant Mcgettrick, for property located at **46 Union Street** also shown on Weymouth Town Atlas sheet 46, block 525, lot 21, located in the B-2 and R-1 Watershed Zoning Districts. The petitioner is seeking to modify the previous decision by adding two additional units within the previously approved footprint. The modified approval would allow for up to 14 residential units. Adequate parking is provided for the additional two units.

Mr. Schneider stated that this was before the Board in December of 2019. The original approval was for 12 units. The applicant is looking to reconfigure the interior floor plan to increase the number of units. The applicant is requesting an increase to 16. This would be done within the existing footprint of the building.

Mr. Schneider stated that there was a community meeting. The proponent, Councilor Dwyer and about 30 people from the area (75 invitations were sent) were present. He noted that there more concern about the daily upkeep of the property than the actual number of units. Concerns were also expressed that the final product will include protections for the neighborhood. Conditions on the original approval were imposed for neighborhood protection.

Mr. Schneider stated that a compromise was made for a modification to 14 units within the same footprint. There is adequate space for parking.

Mr. Schneider stated that the Building Inspector stated that although this is an increase in number of units, it did not increase the living area or footprint. A parking variance is not required. Therefore, a request for a minor modification is requested.

A memo was sent to residents inviting them to a conference call about this evening's meeting.

Mr. McLeod stated that the applicant must submit a revised plan showing 14 units rather than the one showing 16 units.

Mr. Denizkurt asked what types of units would be added. Mr. Schneider stated that the modified plan would consolidate units #5 & #6 into one 2-bedroom unit and units #11 & 12 into one 2-bedroom unit. The total count would be ten units with one bedroom and four units with two bedrooms.

Mr. Schneider stated that the modified plan requires 28 parking spaces which are provided on the plan.

Mr. Denizkurt asked about the dumpster location. Mr. Luongo stated that this will be determined in consultation with residents, developer, and planning department. The rear abutter does not want the dumpster up against the fence. This is noted in the conditions.

Mr. Denizkurt stated that this modification does not change any of the original conditions previously imposed. Mr. Schneider stated that this is correct.

Mr. Foley asked about the unforeseen issues and if this is a minor modification.

Mr. Schneider stated that the extent of the water damage was much more than expected.

Mr. Luongo stated that the site is cleaned up, the building is gutted, but they are waiting for bank financing.

Mr. Moriarty asked if this is really a minor modification. He noted that he can't look at the modified plans and these are older plans.

Mr. Luongo stated that the square footage is not changing.

Mr. Denizkurt stated that he is not opposed to this as a minor modification.

Mr. Diem expressed concern about setting a precedence, but in this case, the modification is minor.

A motion was made by Mr. Foley to APPROVE Case #3402 request for minor modification with the condition that the plan is for no more than 14 units as this modification is not increasing the footprint or foundation, not making not non-livable space into livable space, the square footage not being increased, and there is sufficient parking, and historical value and was seconded by Mr. Moriarty.
UNANIMOUSLY VOTED.

2. **Case #3405** - Request for Modification 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 to modify access to the building by eliminating the proposed addition which was to house a lobby and elevator. Access to the building will instead be via stairs and is in compliance with 521CMR.

Mr. Schneider stated that this modification will not change the number of units or square footage. It will eliminate the elevator.

Mr. Luongo stated that the Building Inspector agreed with the statement submitted by the applicant regarding ADA compliance. The letter is part of the file.

A motion was made by Mr. Foley to APPROVE Case #3405 request for minor modification with the condition that the ADA letter is part of the file was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

New Business:

1. **Case #3422** - The petitioner, Michael McGough, for property located at **15-17 Front St** also shown on Weymouth Town Atlas sheet 20, block 278, lots 7 & 8, located in the B-2 and Village Center Overlay Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-25.3 special permit in Village Center Overlay District
Special Permit	120-27 special permit in B-2 District

The subject property is 17,072 SF parcel of land which was the site of an office for the sale of insurance products. Petitioner seeks to remove the existing office building and construct a four-story mixed use building consisting of 22 units.

2. **Case #3424** - The petitioner, EJS Investments, for property located at **122 Washington St.** also shown on Weymouth Town Atlas sheet 20, block 266, lot 8, located in the B-2, R-1 & Village Center Overlay Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-25.13 Village Center Overlay District VCOD special permit
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The subject property is 27,443 SF lot containing an older two-story wood frame mixed use dwelling which is 2,096 SF in size. Petitioner seeks to construct a 4 story mixed use building consisting of 30 condominium units.

3. **Case #3425** - The petitioner, Diane Pompeo-Maltby, for property located at **145 Wessagussett Rd.** also shown on Weymouth Town Atlas sheet 4, block 36, lot 6, 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
Special Permit	120-38.3 Floodplain District Special Permit
Variance	120-52 - Lot less than 5000 SF

The subject property is 3,121 SF lot containing a 913 SF single family 1 ½ story dwelling with attached deck. Petitioner seeks to partially demolish existing structure and rebuild.

Mr. Foley made a motion to open the public hearing on Case #3422 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.

Mr. Rockwood reviewed the plan for the Board.

Mr. Moriarty asked if there would be a garage door with side slating that is breakaway. He asked if there are riser to stairs, or semi-transparent.

The Conservation Commission hearing is next Tuesday.

This is an extension or change as the addition size was reduced to under 30% lot coverage.

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

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

Other Business

1. Minutes: September 9, 2020

Mr. Foley made a motion to approve the minutes from September 9, 2020 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

2. Upcoming Meetings: November 18, 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:  12-10-2020

Kenal Denizkurt

Mr. Denizkurt , Clerk

12-10-2020

Date