

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
December 9, 7:00 p.m.
VIRTUAL
Cisco Webex Meetings

RECEIVED
TOWN OF WEYMOUTH
PLANNING OFFICE
2021 FEB -5 PM 1:15

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

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

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

Old Business:

1. **Case #3424** - The petitioner, EJS Investments, for property located at **122 Washington Street** 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

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.

Mr. Foley made a motion to open the public hearing on **Case #3424** 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.**

The applicant gave an overview of the proposed project.

Mr. Foley asked about the retaining wall.

Mr. Crimmins stated that the retaining wall will be replaced using a modular block system. The applicant is working directly with abutters to address their concerns about this wall.

Mr. Foley asked about the retail space. Mr. Crimmins stated that nothing has been pre-leased. The retail space only has one entrance at the front.

The landscape plan is in development.

Mr. Diem asked about guard rails on the balconies and the plan for trash removal.

Mr. Crimmins stated that the guard rails will be tempered glass with vertical pickets. He stated that they are working still on the details for trash and snow removal.

The automatic garage doors will have partial glass/glazed doors. The mechanical systems will be on the roof with shielding.

The bank of gas meters is proposed along side of 100 Washington Street and will be screened with a double screening system

Mr. Denizkurt asked for clarification about whether garage doors are discouraged in the Village Overlay District.

Mr. Luongo stated that because buildings are built to the lot lines, the projects have garage doors.

Mr. Foley asked where the retail customers will park. There are three spaces designated for retail parking on the street.

Mr. Moriarty asked about the actual size of the retail space. Mr. Crimmins stated that it is 1141 square feet.

Mr. Moriarty asked if the parking spaces are all the same size. Mr. Crimmins stated that they are uniform at 9' x 18' with a 20 foot drive aisle.

Mr. Moriarty asked about trash. Mr. Crimmins stated that residents will bring trash to the trash room.

Councilor Kiely stated that she is satisfied that the neighbors' concerns have been addressed.

Mr. Luongo stated that the applicant will install two decorative lights and contribute \$25,000 in traffic improvements. He noted that the entire retaining wall will be replaced from Washington Street to the back lot line. A suitable landscape plan will be implemented.

Mr. Foley asked what kind of concerns did the abutters have. Mr. Crimmins stated that there were several concerns. The abutter on one side was concerned about the retaining wall and the visual aspect/landscaping of the left side of the building. The abutter on the other side was concerned about blasting. Mr. Crimmins stated that the

applicant intends to avoid blasting if possible. If it is needed, they will follow all local and state requirements and keep abutters apprised of the situation.

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

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 Case #3424

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:

- \$25,000 will be used for traffic and safety improvement
- The retaining wall will be replaced
- Per memo dated 10/26/2020, hardiboard or a similar cement fiber product will be used
- A suitable landscaping or living wall will be provided
- Two street light poles of type used throughout the Landing will be installed
- Per memo dated 11/16/2020, traffic engineer's concerns to be addressed
- Per memo dated 12/8/2020, engineering division's concerns to be addressed
- Units will be for sale condos
- Warning system for exiting garage door will be installed
- Garbage pick-up by a service, with no pick up earlier than 7:30 am and no later than 8:00 p.m., no activity on Sunday
- Snow removal plan to be approved by building department
- Tempered glass is preferred on upper levels or vertical metal ballisters

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

2. **Case #3425** - The petitioner, Diane Pompeo-Maltby, for property located at **145 Wessagussett Road** 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. Baker gave a brief overview of the request.

Mr. Schneider stated that this case was left open to wait on Conservation Commission recommendations. The plans have been fully permitted by Conservation Commission.

Mr. Schneider stated that staff has no further comments or questions

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

Mr. Schneider stated that a variance is not needed as there is a structure on the property.

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

Mr. Denizkurt made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3425.

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

- Visual screening from the street around the perimeter of the elevation will be installed

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

3. **Case #3422** - The petitioner, Michael McGough, for property located at **15-17 Front Street** 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	Village Center Overlay District
Special Permit	120-27	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.

Mr. Moriarty made a motion to open the public hearing on Case #3422 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. Foley made a motion to re-open the public hearing to include a request for 120-38.3b, Flood Plain District Special Permit and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Attorney Galvin introduced James Christopher, architect from ICA, LLC and Paul Tyrell, the civil engineer, who gave details of the plans for the proposed building.

Mr. Schneider stated that the Town's Engineering Department has not had a chance to review the engineering stormwater plans as currently designed. They do have some general outstanding questions. There are also questions about the ingress/egress plans for the site.

Mr. Tyrell gave an overview of the stormwater plan. He also stated a full-packet stormwater management plan has been given to the Engineering Department. Preliminary review comments have been given to the applicant. An initial submission has been made to the Conservation Commission. A filing will need to be made with the Town of Braintree also.

Mr. Denizkurt asked if these would be rental or for-sale. Mr. Galvin stated that it was not clear yet. He stated that where the economy will be at the end of next year is not clear. He added that, at this time, the plan is for rental units.

Mr. Denizkurt expressed concern about the roof deck. Mr. Galvin stated that the deck looks out over open space towards Braintree.

Mr. Denizkurt expressed concern about the narrowness of the driveway going into the property. He asked if it is 11 feet wide. Mr. Christopher stated that there is an additional 2½ foot buffer on the right side. He added that this can continue to be reviewed as the project progresses.

Mr. Denizkurt asked for more specific detail and modeling of the project in order to see what it looks like. Mr. Christopher stated that there is a model that needs to be updated after meeting with residents.

Mr. Christopher stated that the building is to be gray with white trim and black windows. He added that the neighbors prefer that since this building is in the transition zone from business to residential that it be less modern in design.

Mr. Luongo pointed out that the applicant is looking to listen to the community. At the public meeting, the neighbors wanted a more traditional design.

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

Councilor Kiely stated that she is appreciated of the applicant's approach and willingness to work with the neighborhood and community.

Mr. Foley made a motion to CONTINUE the public hearing until January 6, 2021 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

4. **Case #3426** - The petitioner, Ryder Development Corp, for property located at **640 Union Street** also shown on Weymouth Town Atlas sheet 59, block 612, lot 45, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance	120-51	Schedule of District Regulations Minimum Lot Width
Variance	120-53.2	Lot Shape Factor

The subject property is 94,090 SF parcel of land with a single family dwelling. Petitioner seeks relief required to divide the property into 2 single family lots each with more than 25,000 SF.

This hearing was not opened this evening at the request of the applicant. This application will be advertised again.

New Business:

1. **Case #3427** - The petitioner, Matthew Caissie, for property located at **91 Lakehurst Ave.** also shown on Weymouth Town Atlas sheet 24, block 441, lot 3, 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	Schedule of District Regulations lot coverage, front setback

The subject property is a 4,553 SF parcel of land with a single family dwelling. Petitioner seeks relief required to construct a single car attached garage.

Mr. Foley made a motion to open the public hearing on Case #3427 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. Caissie stated that the hardship is that this is on a corner lot with sideyard setbacks. If this were not a corner lot it would be possible to add the garage.

Mr. McLeod stated that it appears that the applicant is creating the non-conformity with the placement of the garage rather than the shape of the lot.

Mr. Diem asked about the proposed garage location; he noted that a utility pole is close to the location indicated. Mr. Caissie stated that there is plenty of room.

Mr. Schneider stated that National Grid did not have an issue with the location of the pole or the location of the garage.

Mr. Diem suggested that there is room on the other side of the house.

Mr. Caissie stated that this side is very close to the house next door. He stated that he has future plans for this side which has a wooden deck and shed; he would like a bigger back yard which would eliminate the parking

Mr. Foley stated that the requirements for a variance are specific and must be met.

Mr. McLeod noted that the way that the statute is written, a burden must be met to receive a variance.

Mr. Foley stated that the applicant has the option to withdraw this request without prejudice. Otherwise, if this application is denied, the applicant would be precluded from returning to the Board for two years.

Mr. Foley made a motion to allow the applicant to WITHDRAW WITHOUT PREJUDICE the request for a SPECIAL PERMIT for Case #3427 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Other Business

1. Minutes: September 30, 2020 and October 21, 2020

Mr. Foley made a motion to approve the minutes from September 30, 2020 and October 21, 2020, and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

2. Clarification of Mullen Rule

The Board discussed the Mullen Rule which is for when a member misses a meeting, he/she could view the meeting video and participate in future meetings. This has been applied only if the missed meeting is not the first meeting. Mr. Schneider stated that he did not see anything statutorily that has this requirement. There was discussion regarding this among the members.

Mr. Foley stated that he recalled a ruling/opinion by former Town Solicitor, George Lane, that stated that you had to be in attendance for the first meeting.

Mr. McLeod stated that he recalls this but noted that with changes in video technology in the past 20 years. He added that if the applicant were informed of the situation, then missing the first meeting would not be a problem.

Mr. Schneider stated that he consulted Jim Clarke, the former Town Planning Director, did not recall this requirement. He noted that after looking at Mass. General Law, there is nothing that states that the first meeting cannot be missed.

Mr. Foley suggested that the Board get something in writing from the Town Solicitor.

3. Upcoming Meetings: January 6, 2021

4. ADJOURNMENT

Mr. Foley made a motion to adjourn at 10:30 p.m. and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by:

Mr. Denizkurt, Clerk



2/1/2021

Date