

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

January 27, 2021

VIRTUAL

Cisco Webex Meetings

RECEIVED  
TOWN OF WEYMOUTH  
CLERK'S OFFICE

2021 APR 22 AM 9:20

**Members Present:** Richard McLeod, Chairman  
Kemal Denizkurt  
Jonathan Moriarty  
Ed Foley  
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 meeting to order at 7:00 p.m. on Webex and explained the procedures that would be followed to the people present.

**New Business:** (case being taken out of order due to scheduling conflict)

1. **Case #3429** - The petitioner, Atlantic Development LLC, for property located at **1431-1449 Main Street** also shown on Weymouth Town Atlas sheet 57, block 624, lots 12, 13, 29, 30, 31 & 32, located in the HT, R-1 & Commercial Corridor Overlay Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit      120-25.15      Commercial Corridor Overlay

The Proposed Redevelopment consolidates five (5) current lots into a single 2.76-acre site. Petitioner seeks relief required to demolish the existing site structures and construct a new senior living facility along with associated paved parking areas, landscaped areas, utilities, and stormwater management components.

Mr. Foley made a motion to open the public hearing on **Case #3429** 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 Frank Marinelli appeared before the Board on behalf of the applicant. He stated that the request is to build a facility for senior independent living, assisted living, and memory care. A neighborhood meeting was held via Zoom on 1/14/2021.

Mr. Marinelli stated that D. J. MacKinnon, principal from Atlantic Development, Josh Swerling, project civil engineer with Bohler, and Bonita Cook and Erik Anderson architects from Procon were also present this evening.

Mr. Swerling gave an overview of the site layout. Ms. Cook reviewed the architectural design of the building.

Mr. Foley asked about the Conservation Commission finding. Mr. Schneider stated that the applicant took a proactive approach by asking the Commission to review the site and surveys ahead of time. The Commission agreed that the proposal does not require a conservation filing. This is a formal recognition by the Conservation Commission that even though there are wetlands in the area, this project does not require Conservation filing; it is a Negative Determination after a formal review. These wetlands are under local jurisdiction only, not through the State of Massachusetts.

Mr. Denizkurt asked if this facility would require a large downpayment for a resident to move in. Mr. MacKinnon stated that this is a rental model.

Mr. Diem asked about materials, utilities, and rooftop mechanicals. Ms. Cook stated that there will be cultured stone, shingle-style vinyl siding, and clapboard vinyl siding. She stated that there will be screened rooftop mechanicals.

Mr. Diem asked if any of the rental units will qualify as "affordable?" Mr. MacKinnon stated that the units will be market-rate rentals.

Mr. Swerling stated that the utility connections will be on the north side of the building with stormwater drainage scattered through the site. He added that most of the utilities are below grade.

Mr. Moriarty asked if each unit is individually temperature-controlled. Ms. Cook stated that each unit will have its own control. Mr. Moriarty asked how many condensers will be on the roof. Ms. Cook stated that there will be 98 condensers. The acoustics of these units will meet code. There will be a back-up generator run on oil. The testing will be weekly and last about 20 minutes.

Mr. Moriarty asked if there is a snow removal plan. Mr. MacKinnon stated that there is a plan and excess snow will be removed from the site. The dumpster will be in the same area of the generator.

Mr. Luongo stated that the Commercial Overlay District requires mechanicals to be screened and have baffles. He also suggested that a potential condition be that this development will remain 55 and older, independent living, assisted living, and memory care

Assistant Fire Chief Myers spoke about fire equipment access to the site. He stated that this access plan does not take into consideration that Route 18 is a two-lane roadway. He stated that the plan as presented is tight for equipment. Mr. MacKinnon stated that they would work with the fire department on access as well as with Mass Highway regarding curb cuts.

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

Christopher Arruda, 454 Pond Street, commented on the landscape design, lighting changes, and a screen on the deck. He stated that he met with the developer yesterday with serious concerns about privacy and the addition of dimmers, sensors, reflectors, 20-foot trees, and a screen on the privacy deck. Mr. MacKinnon confirmed that he had met with Mr. Arruda.

Ms. Gillis, 1435 Main Street, asked about timing of the plans as she is an occupant of the residential units to be removed.

Mr. MacKinnon stated that he has not yet acquired the property but there is an agreement to purchase with some conditions that still need to be met. He stated that it would be late summer to early fall of this year. Mr. MacKinnon stated that occupancy rental agreements are between the residents and the current landowner.

Gail Romasco, 444 Pond Street, stated that her property abuts the proposed development. She asked about how far the project is from her property. Mr. MacKinnon stated that it is 50 feet to her garage and 100 feet to her house.

Ms. Romasco added that she is concerned that this project will significantly devalue her home. She is also concerned about the building casting a shadow over her home as well as lack of privacy from all of the windows and balconies overlooking her yard. She asked if there would be any type of sound barrier installed.

Mr. MacKinnon offered to meet with Ms. Romasco to discuss her specific property. He added that the more active part of the facility is towards Main Street. The units to the rear will be memory care on the first floor and assisted living on the second and third floors. He continued that there will be no private balconies; however, there will be one balcony with a 7-foot boxwood screening.

Mr. Luongo asked if there would be a shadow study. Mr. Swerling stated that the northside of the site (facing Jiffy Lube and Main Street) will be the shadiest part of the site.

Kelly Finnerty, 460 Pond Street, asked if this meeting is just a formality and a “done deal.” Mr. McLeod stated that the Board is hearing all evidence and concerns submitted and will consider the information before making a decision.

Ms. Finnerty stated that she would prefer not to have a sidewalk in front of her house. Mr. McLeod suggested that Ms. Finnerty contact the Planning Department to discuss the issue.

John Abbott, 428 Pond Street, stated that he believes that the traffic study is biased as the mini golf course is seasonal and the daycare has traffic in the drop off and pick up hours. He stated that this use will have much more use.

Mr. Schneider stated that the town's traffic engineer will review the plans submitted by the applicant.

Kirsten Braun, the applicant's traffic engineer, stated that the seasonal useage was taken into account. She stated that the review uses nationally accepted trip generated rates as well as actual trip counts.

Mr. Abbott asked if midday counts were taken. Ms. Braun stated that the trips are counted between 7 a.m. - 9 a.m. and 4 p.m.- 6 p.m.

Mr. Abbott commented that without taking counts during midday, the traffic numbers are not accurate as the residents and care providers will be generating trips all day.

Mr. Abbott asked if there would be fencing. Mr. Swerling stated that fencing could be looked at again.

Mr. Abbott commented that he disagrees with the applicants characterization of the townhomes as outdated and the area under utilized. He pointed out that the daycare center is a vibrant addition to the area.

Kevin Spellman, 450 Pond Street, stated that Board should deny this application because the project is absorbing too much land. He pointed out that 60 units per acre is excessive.

Ms. Romasco, 444 Pond Street, expressed concern that project will impact of her septic system.

Mr. Swerling stated that he does not envision this project impacting the abutter's septic system.

Ms. Romasco asked how long the construction will take. Ms. Cook stated that once started the project will take approximately 12-18 months.

Mr. MacKinnon offered to meet with Ms. Romasco about the septic system and possibly connecting to sewerage.

Mr. Foley asked if this will be a medical-type facility. Mr. MacKinnon stated that skilled-nursing is not being proposed. He stated that the operator would be present at the next meeting to answer this question.

Mr. Foley made a motion to CONTINUE the public hearing on **Case #3429** to February 24, 2021, and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

**Old Business:**

1. **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	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.

Mr. Foley made a motion to CONTINUE Case #3422 to February 24, 2021 and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

2. **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.

Mr. Foley made a motion to CONTINUE **Case #3426** to February 24, 2021 and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

**New Business:**

1. **Case #3430** - The petitioner, South Shore Hospital, for property located at **60 Winter Street** also shown on Weymouth Town Atlas sheet 29, block 375, lot 30,

located in the B-1, Watershed Protection & Groundwater Protection 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	120-10.3 D	Watershed Protection District
Special Permit		Groundwater Protection District

The subject property is 3.13 acre parcel of land with two concrete block buildings. Petitioner seeks to use the front one story building for its Emergency Medical Service ambulance facility for dispatch and operations.

Mr. Foley made a motion to open the public hearing on **Case #3430** 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 David Kelly appeared before the Board on behalf of the applicant. He introduced the team from South Shore Health: Elizabeth Bahnuk, Director of Facility Planning at South Shore Hospital; Arthur Mombourquett, Vice President of Support Services and Site Management; Eugene Duffy, Director of Emergency Medical Services; and Raphael Husseni (sp?), the Project Manager. He then introduced the team from Tetra Tec: Glen Doherty Senior Project Manager; Bill Phelps, Senior Project Manager; and Sasha Wood, Traffic Engineer.

Mr. Kelly reviewed the special permit being requested.

Ms. Bahnuk reviewed the hospital's plans for the site. She stated that there are currently two locations for ambulance dispatch in Weymouth: a sub location on 734 Bridge Street in North Weymouth and a temporary site at 200 Libby Industrial Parkway. She stated that the 60 Winter Street location would replace the Libby facility. The main points of entry will remain as will the parking lot with 45 allotted spaces. An oil/water separator is required for this site.

Kemal Denizkurt asked if the rear part of the building is occupied by another facility. Ms. Bahnuk stated that the owner of the property has a storage facility. She noted that the access to this part of the building is not connected to the proposed facility.

Mr. Moriarty stated that he is concerned about potential added traffic, safety, and trips. He noted that Brewster Ambulance is approximately 2000 yards from this proposed location. He added that there will be impact on Route 18.

Ms. Bahnuk stated that their traffic engineer, Sasha Wood, has done the traffic study. She noted that the town's traffic engineer, Owen MacDonald, has reviewed the study.

Mr. Schneider stated that Mr. MacDonald had one comment which has been addressed.

Mr. Luongo stated that the Planning Department believes that this location is an appropriate location for the proposed use. He noted that this location is near the geographical center of Weymouth. He added that this location is in a non-residential area.

Mr. Moriarty stated that when the improvements are completed on Route 18, the traffic will be less of an issue.

Mr. Foley asked what the sign square footage is. Ms. Bahnuk stated that it is 55" x 12'. She stated that Barletta Construction is the contractor.

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 #3430**.

**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:

- An oil/water separator will be installed.

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

2. **Case #3431** - The petitioner, Atlantic Mechanical, for property located at **1047 Washington Street** also shown on Weymouth Town Atlas sheet 30, block 402, lots 4 and 5, located in the HT and R-1 Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-40	Extension or Change to a Nonconforming Use
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The subject properties total 1.65 acres of land with an existing light industrial warehouse building. Petitioner seeks to add a 2,500 sf warehouse building to the property.

Mr. Foley made a motion to open the public hearing on **Case #3431** 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.

Andrew Chagnon from Vertex Companies licensed engineers is present this evening representing the applicant. He added that Joe Gratta, one of the owners is also present.

Mr. Chagnon present an overview of the site and reviewed the location, the existing conditions, proposed conditions, and comments received. He stated that a Notice of Intent was submitted to Conservation Commission, the hearing was held last night, and the hearing was closed. The submission was approved.

Mr. McLeod asked what the R-1 portion of the lot will be used for and what is the number of vehicles on site. Mr. Chagnon stated that when the project is completed 27 spaces will be required and there will be 29 actual spaces with two Handicap spaces. He added that there will be no parking in the R-1 portion of the property.

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

DonnaMarie Dearth, 1065 Washington Street, asked what the height of the storage building and the fence will be. Mr. Liberati stated that the building height is 25 feet and the fence is 10 feet.

Ms. Dearth asked if the building will rust and what color will it be. The building will be a pre-engineered metal siding with brick on the first level. Mr. Chagnon stated that these types of buildings are designed not to rust. Mr. Gratta stated that the plan is for the color to match the existing building.

The top half of the building is what will be seen from Washington Street. The fence will be about 10 feet from the building. Six additional trees will be added to the site.

Ms. Dearth asked if there will be any mechanicals on the room. Mr. Gratta stated that the HVAC will be on the side of the building not on the roof.

Conservation Commission has issued standard conditions of approval. Additional conditions were that the back of the lot will be cleaned up, there will be six plantings, DPW comments will be adequately addressed, stone will be used for



stabilization, an oil-water separator will be installed if there are drains inside of building, and a test pit for infiltration systems.

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

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3431.

### **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 motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

### **Other Business**

1. **Minutes:** 12/9/2021 and 01/06/2021

Mr. Moriarty made a motion to approve the minutes from 12/9/2021 and 1/6/2021 and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

2. **Upcoming Meetings:** February 24, 2021

### **3. ADJOURNMENT**

Mr. Foley made a motion to adjourn at 9:50 p.m. and was seconded by Mr. Diem. VOTED UNANIMOUSLY.

Approved by:  4-8-2021  
Mr. Denizkurt, Clerk Date