

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

February 24, 2021, 7:00 p.m.

VIRTUAL  
Cisco Webex Meetings

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE

2021 MAY 11 PM 3:17

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

**Also Present:** 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 Webex and explained the procedures that would be followed to the people present.

**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 the public hearing on **Case #3422** until March 10, 2021, and was seconded by Mr. Denizkurt. 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 open the public hearing on **Case #3426** 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 Gregory Galvin appeared before the Board on behalf of the applicant, Kenneth Ryder who was also present.

Mr. Galvin gave an overview of the applicant's request. He stated that the plan calls for two lots with frontage on Union Street and about an acre of land in the rear that will be donated to the town. He noted that by right the applicant could subdivide the rear lot and build a cul-de-sac with two houses.

Mr. McLeod asked about the lot/shape factor. Mr. Ryder stated that the lot is odd-shaped as is. He pointed out that the total lot size is 93,000 SF. There is a plan that shows a cul-de-sac with two new houses. The lot could be split to have 25,000 SF each but do not meet the lot/shape factor requirement.

Mr. McLeod asked if the applicant has met with the abutters. Mr. Galvin reported that he sent out a letter and a copy of the plans to residents on Union Street, Groveland Avenue, and Lucas circle. He did not meet with the neighbors. Mr. McLeod suggested that Mr. Galvin reach out to the neighbors.

Mr. Denizkurt asked if the town is willing to accept the property if offered. Mr. Schneider stated that the property abuts town-owned land that could be linked to it.

Mr. Foley stated that every variance is case specific. He stated this is in reference to the comment Mr. Galvin made about a 2017 variance request in the Idlewell neighborhood. Mr. Foley pointed out that the applicant could go ahead and develop the property as a right under the sub-division control laws.

Mr. Ryder responded that the Idlewell situation involved a special permit, where this is a variance. He stated that he wants to renovate the existing house and add only one additional new house.

Mr. Galvin stated that the neighbors have said that they do not want a house on the rear portion of the lot.

Mr. Luongo stated that this case involves the type of situation that the zoning amendments aimed to stop. He added that if the applicant goes forward with the plan, the lots will be nonconforming because they will not have 120 feet at the building line and not meet lot/shape factor requirement.

Mr. Luongo stated that Mr. Galvin has made an assumption about a subdivision and get this approved by right; no plan has been analyzed at this time.

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

Mr. McCarty stated that he is representing the Dozier's who live at 23 Lucas Circle. He asked about the number of letters received by the Board. Mr. Galvin clarified that he received one letter and two responses to the letter.

Mr. Schneider showed a plan, that was sent today, showing the cul-de-sac with two new homes.

Mr. Ryder stated that he was approached by the owner of the property; it is an estate sale. He asked that the Board vote tonight on the plan submitted.

Virginia and Donald Rizzitano, 636 Union Street, asked what would happen to the land in the rear if it is deemed "open space." Mr. Schneider stated that if this were to happen, the open space would be under the control of the town.

Mr. McLeod stated that the plan before the Board for a vote is the plan for two 25,000 SF lots.

Mr. Luongo suggested that a Webex meeting be set up for the neighbors to know what the plan will be.

Mr. Galvin asked if the meeting could happen before the March 10, 2021 meeting. Mr. Luongo stated that he believes that this can be done.

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

3. **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
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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. McLeod stated that this is a continuation of a public hearing from January 27, 2021.

Mr. Foley made a motion to re-open the public hearing on **Case #3429** and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Attorney Frank Marinelli appeared before the Board on behalf of the applicant. He gave an overview of the plan that was presented on January 27, 2021. He also listed that changes made to the plans based on input from residents and town departments.

Mr. Foley asked about on-site staffing. Mr. Marinelli stated that the normal staffing would be an executive director, community sales director, wellness director, licensed practical nurse (LPN), and memory care director. There will also be drivers, maintenance, housekeeping, and dining staff. There is staffing 24/7 which varies based on the day and time of day.

Mr. Foley stated, for the record, that if this plan is approved it will adhere to Fire Truck Exhibit 2021-02-23. Mr. Foley asked how the grassy area that the fire trucks will use to turn around will be reinforced. Mr. Swerling, from Bohler, stated they will be reinforced with block pavers.

Mr. Denizkurt asked if the neighbors have been informed about the changes to the plan. Mr. Marinelli stated that there were Zoom meetings to discuss the proposed changes. Mr. McKinnon stated that the plans were sent to the neighbors.

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

Kevin Spellman, 450 Pond Street, stated that he does not want a permanent fence installed to the rear of his property. He stated that he has pedestrian rights from his property to Route 18 for 57 years. He also stated that deer typically travel from Union Point through this property and his property to the reservoir.

Mr. McKinnon stated that he is willing to not install a fence and allow for pedestrian access to Mr. Spellman.

Mr. Spellman asked what are the sizes of the apartments. Bonita Cook stated that they vary from 300 SF to 1200 square feet. Mr. Spellman asked if there was a waiting list for the units. Mr. McKinnon stated that there is not.

Mr. McLeod stated that the Board has to decide this application based on state law, not based on a majority of if neighbors like it or not. He noted that Mr. McKinnon has expressed a willingness to work with the neighbors.

Joseph Gratta stated that as a resident of Weymouth he is in favor of this project.

Joe Remasco, 444 Pond Street, stated that he has been working with Taylor Howell, and he is pleased with the way things have turned out.

Christopher Aruda, 454 Pond Street, stated that as an abutter he had his concerns but now endorses the project.

Kelly Finnerty, 460 Pond Street, asked about pest control during construction. Mr. McKinnon stated that there is a Construction Protocol Plan required by the Board of Health.

Mr. Spellman stated that he does not want sidewalks on Pond Street. Mr. McLeod stated that there are those that do want sidewalks.

Mr. McKinnon stated that where the sidewalk is being proposed there is no specific sidewalk there now.

Mr. Luongo stated that the developer was asked to continue the sidewalk from Main Street to Thicket Street. He stated that this is a safety issue as Pond Street is an arterial road. An additional speed sign will be installed on Pond Street as well as one on the Route 58 side of Pond Street working in conjunction with the police department, the traffic engineer, and the planning department.

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 #3429.

#### **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.

#### **CONDITIONS**

1. Weymouth Senior Living shall be constructed in conformance with the Permit Plans, as revised, and Bohler Engineering Fire Truck Exhibits 2021-02-23 (Entering and Exiting). See Exhibit No. 1 attached; and
2. The Applicant shall construct the sidewalk and speed feedback signs from 418 to 468 Pond Street substantially as shown on a plan provided by PCD entitled "Pond Street Improvements Sidewalk East Side - #418 to # 468 Pond Street Crosswalk Speed Feedback Signs." See Exhibit No. 2 attached. The Town shall secure any necessary owner authorizations and Town permits to enable sidewalk installation and related work.

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

**New Business:**

1. **Case #3432** - The petitioner, Sokol Kosova, for property located at **82 Broad Street** also shown on Weymouth Town Atlas sheet 20, block 269, lots 19, located in the B-1 & Village Center Overlay Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit and/or Variance	120-25.3 Village Center Overlay District Table - conversion between 2,000-5000 SF of gross floor area
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The subject property is 10,000 sf former site of a Town of Weymouth fire station. Petitioner seeks to convert the building to all residential use by constructing 5 units.

Mr. Foley made a motion to open the public hearing on **Case #3432** 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 Gregory Galvin appeared before the Board on behalf of the applicant. Mr. Galvin stated that Mr. Kosova has looked at the previous uses of the property which is in the Village Overlay District. Mr. Kosova has decided that the best use of the property going forward is as a residential building.

Mr. Galvin stated that the former owner had been approved for residential use of the property approximately four to five years ago but he did not go forward with his plan.

Mr. Kosova is seeking to convert the property to five residential units with two units on the first level and three units on the second level.

Mr. Galvin stated that a previous restriction on the property is that the building façade be maintained. Mr. Kosova is willing to maintain the façade with only slight change to the windows.

Mr. Galvin stated that there will be ten parking spaces. He also spoke about the access opening onto Washington Street.

Mr. Kosova stated that he recently met with DPW and that he is in process of monitoring all sewer lines and all water lines. He noted that some excavation will be

needed on Washington Street before they finish the final pavement treatment to add the fire line and upgrade the water line.

Mr. Denizkurt asked if the applicant has responded to the letter dated February 22, 2021 from Jim McGrath, Assistant Town Engineer, where he outline a couple of items for water and engineering items. Also, has he responded to the letter dated February 19, 2021, from Owen McDonald, Traffic Engineer, where he bullet-pointed three items.

Mr. Galvin indicated that the applicant has met with D.P.W. with regard to putting a camera and video in the sewer line. He added that paving on Washington Street is a concern to D.P.W. Also, the water service needs to be upgraded.

Mr. Galvin stated that there will be no plowed snow stored on site.

Ms. Denizkurt stated that he is concerned that the handicap parking space does not appear to be ADA compliant. Mr. Kosova stated that a typical space will be 8 ½ feet wide by 18 feet long and the handicap space will be 9 feet wide and 18 feet long.

Mr. Schneider stated that the curb cut on Washington Street will not be closed but left open to 18 feet wide.

Mr. Luongo asked what will be installed along the Field Street property line. Mr. Kosova stated that there is a small wall.

Jim McGrath stated that he spoke with Mr. Kosova yesterday. He stated at the entrance to the property is wide. He stated that Mr. Kosova was asked to extend the curb an additional 25 feet. There will be a black decorative wrought-iron fence along Washington Street as there is concern about cars in the lot parking on the sidewalk.

Mr. Luongo asked Mr. Kosova if he is aware of the deed restriction on the property regarding the exterior of the property. Mr. Kosova stated that he is aware of the restriction.

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 #3432**.

#### **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.

#### CONDITIONS

1. Remaining comments from Jim McGrath, Assistant Town Engineer from a memo dated 02/22/21 will be addressed to the Town's satisfaction.
2. The dumpster will be located as per plan and will be fully screened.
3. No parking spaces will be placed in the area reserved for snow storage.
4. A decorative black wrought iron fence of five (5) feet in height to be installed along the Washington Street property line.
5. A landscape and decorative lighting plan will be submitted to Office of Planning and Community for approval prior to the issuance of a Building Permit.
6. The applicant is aware that an historic covenant is in place and that any proposed exterior alterations to the building must be in conformance with that document.
7. A final circulation plan will be submitted to the Town Traffic Engineer demonstrating the proposed use of both the Washington Street and Fields Avenue curb-cuts.

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

**2. Case #3435** - The petitioner, Qiang (Jon) Lu, for property located at **26 Weybosset Street** also shown on Weymouth Town Atlas sheet 6, block 56, lot 4, 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 to a Nonconforming Use

The subject property is a 3,600 sf parcel of land with a single family dwelling. Petitioner seeks to convert the current deck into a one-story sunroom.

Mr. Foley made a motion to open the public hearing on **Case #3435** 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. Lu appeared before the Board to request to convert a deck into a sunroom. He stated that the room size will be increased from 8 feet by 12 feet to 21 feet x 13.9 feet. Mr. Lu has worked with the architects and the Building Department he was told to be no closer than 16 feet to the rear property line.

Mr. Lu stated that there are four bedrooms but not a lot of living space. This addition will alleviate that situation.

Mr. Foley asked if Mr. Lu had started the project. Mr. Lu stated that he has not started the project yet.

Mr. Foley 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 #3435.

#### **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: None

2. Upcoming Meetings: March 10, 2021

#### **3. ADJOURNMENT**

Mr. Foley made a motion to adjourn at 9:30 p.m. and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by:   
Mr. Denizkurt, Clerk

5-6-2021  
Date