

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

March 10, 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
Brandon Diem
Not Present: Ed Foley
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. via 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	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. Denizkurt made a motion to re-open the public hearing on **Case #3422** and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Attorney Gregory Galvin appeared before the Board on behalf of the applicant. Mr. Galvin gave a brief overview of the project thus far.

Mr. William Christopher, architect of record, reviewed the changes that have been made to the parking design since the last meeting.

Mr. Luongo asked if there is a landscape plan. Mr. W. Christopher stated that it will be developed a little bit further with more detail.

Mr. Diem asked about the materials on the exterior of the building. Mr. James Christopher, architect, stated that it will be hardy siding and shaker/cedar impression with Lukabond panels.

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Mr. Diem asked about a lighting plan. Mr. J. Christopher stated that they are working on something that is subtle and highlights the building.

Mr. Denizkurt asked about the number of units. Mr. J. Christopher stated that there will be 22 apartments and the number of affordable units will be worked out with the town going forward. The building will be wired for cable. Mr. Denizkurt stated that he would like to see a condition of no satellite dishes

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

Councilor Kiely thanked the McGough team for the work that they have done in adjusting the project based on community input.

Mr. Luongo pointed out that there is a change from 21 units to 22 units. He asked for clarification on this change.

Mr. W. Christopher stated that the footprint is still the same but due to the geometry, there is enough space for an additional unit and there is adequate parking.

Mr. Luongo noted that there will be 1000 SF retail space. He asked where that parking will be located. Mr. W. Christopher stated that the retail parking will be two spaces inside the garage and also on-street parking.

Mr. Schneider stated that the town department comment list has dwindled, and that the applicant has been working to respond to all of the comments.

Mr. W. Christopher stated that the two retail spots will need a 2 point turn. There will be a meeting regarding this parking with the Town's Traffic Engineer, Owen MacDonald.

Mr. McLeod asked the applicant if he could have the landscape and lighting plans for the next meeting. Mr. Christopher stated that he will make these plans available at the next meeting.

Mr. Galvin agreed to a continuance until March 24, 2021.

Mr. Denizkurt made a motion to CONTINUE the public hearing to March 24, 2021 and was seconded by Mr. Moriarty. 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:

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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. Denizkurt made a motion to open the public hearing on **Case #3426** and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Attorney Gregory Galvin appeared before the Board on behalf of the applicant. He stated that the applicant is willing to go forward with only four members present.

Mr. Galvin gave an overview of the project.

Mr. McLeod stated that the hardship is created by the shape of the lot because of the lot/shape factor. He noted that this is a unique situation that is impacted by the new by-laws.

Mr. Galvin stated that there would be two smaller lots with less than 25,000 square feet and the rear 56,000 square feet would be offered to the town as open space.

Mr. Luongo stated that no building permit would be issued until the land is transferred to the town.

Mr. Galvin expressed concern about waiting for this transfer which would require a vote from the Town Council. Mr. Luongo stated that the land cannot just be listed as non-buildable.

Mr. Luongo stated that there was a Zoom community meeting that was attended by neighbors of this property including abutters.

Mr. Schneider stated that he has sent the neighbors' comments to the Board.

Mr. Luongo stated that this is a unique situation, and the decision needs to be written so that it does not set a precedence. Three points of reference are the open space transfer, the buy in from the community, and the restoration of the old house. He stated that this is a preferable compromise.

Mr. Ryder stated that he is okay with taking a chance with the Town Council as the neighbors are for this plan.

Mr. Denizkurt commented that this is a pre-existing lot, not created by the combination of lots.

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Mr. Diem asked why this plan is being considered. Mr. Luongo stated that it is because of the concerns of the neighbors.

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

Gerry Dozier, 23 Lucas Circle, stated that he represents the Dozier/McCarthy family. He stated that he supports this plan as it preserves the land to the rear of his property and fixes an eye sore of a house that has been in disrepair for some time.

Virginia Rizzitano, 636 Union Street, stated that she supports this plan.

Mr. McLeod asked if the applicant was prepared to go forward with a vote this evening with only four members. The applicant agreed to go ahead with four members.

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

VARIANCE

Mr. Moriarty made a motion to APPROVE this application for a variance on **Case #3426** because the applicant has shown a hardship due to the size and shape of the lot, which was not created by the applicant, and was not the result of the applicant's combining of lots. This hardship prohibits the applicant from complying with the lot/shape factor. The lots as proposed will create smaller lots equal in size and shape. Also, this case is unique in that there is sufficient land for two house lots. They've reduced the lot size by donating part of the lot to the Town. The Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The following condition will apply:

- A building permit will not be issued until the applicant commences the process of getting the land accepted as conservation land.

The motion was seconded by Mr. Denizkurt. The motion PASSED on a 4-0 vote.

New Business:

Members Present:

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

Also Present:

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

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1. **Case #3434** - The petitioner, Trinity Green Development LLC, for property located at **655 Washington Street** also shown on Weymouth Town Atlas sheet 29, block 329, lot 9, located in the B-1 and Commercial Corridor Overlay Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit

120-25.15B

**Commercial Corridor Overlay
District Special Permit**

The subject property is 3.7 acre parcel of land with the 21,265 sf two story Boston Motel located on the property. Petitioner seeks to demolish remaining building and construct a 4-story mixed use building containing 160 dwelling units and 4,000 sf commercial space.

Mr. Moriarty made a motion to open the public hearing on **Case #3434** 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.

Attorney Jeff Tocchio appeared before the Board on behalf of the applicant. Mr. Tocchio stated the following team members are present this evening:

- Austin Chartier, civil engineer with McKenzie Engineering Group
- Arthur Choo and Marc Sullivan with Arthur Choo & Company
- Sean Pappas, Sean Pappas Landscape Architecture
- Jeffrey Dirk, VAI, Vanasse & Associates, Inc., Transportation Consultants
- Scott Golding
- Tim Russell and Tom Broderick, Trinity Green LLC

Mr. Tocchio presented the plan for the site along with members of the project's team. Mr. Tocchio stated that there was a neighborhood meeting on December 22, 2020.

Mr. Chartier stated that there is a vegetated wetland and there is a Notice of Intent on file with the Conservation Commission. This plan is on the agenda for the March 23, 2021 meeting.

Mr. Tocchio stated that the project will have 117 one-bedroom apartments (1.25 parking ratio) and 43 two-bedroom apartments (1.5 parking ratio).

Mr. Luongo asked if the first floor parking area will be screened. Mr. Russell stated that it will all be enclosed, ventilated, sprinkled, and fire-alarmed.

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Mr. McLeod asked what the applicant has in mind for the retail space. Mr. Russell stated that they are trying to make it some type of amenity for the building. He thought maybe a coffee shop, take-out food, sandwich shop, or small grocery section.

Mr. Denizkurt asked if there would be direct access from the units on the same level as the pool. Mr. Russell stated that there would be no access.

Mr. Denizkurt asked about perimeter fencing. Mr. Pappas stated that there would be a 6-foot privacy fence. Some of the other fencing is still under consideration.

Mr. Diem asked if there were any unit plans yet. Mr. Russel stated that they are conventional one-bedrooms with typical physically separated living room and kitchen areas. Mr. Diem asked that more detail on this be available for the next meeting.

Owen MacDonald, Weymouth's Traffic Engineer, pointed out that there is not a paved sidewalk connection to the front entrance area adjacent to the parking area. He added that the trash room area access appears to be through the one common driveway. The area near this is designated a vehicle turn-around area. The first parking space adjacent to the mechanical room looks as if it would be difficult to maneuver in and out of. Mr. Russell stated that they will take a look at this.

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

Mr. Schneider stated that Linda Glennon asked two questions in the chat.

Where is the driveway in relation to West Lake Drive? Mr. Dirk stated that it is offset a bit to the east of West Lake Drive.

Will there be a crosswalk from the property to the bus stop at the corner of West Lake Drive? Mr. Dirk stated that they would have to discuss this with Mass Department of Transportation (DOT).

What is the plan for snow removal? Mr. Chartier stated that some storage area has been provided on site.

Councilor Ken DiFazio stated that with the addition of 300 residents added to the area, a crosswalk is necessary.

Mr. Dirk stated that there will be a pedestrian actuated light with the crosswalk.

Why is there only one means of egress to the location and what was the reasoning for its location.

Mr. Dirk replied that it has to do with the amount of frontage along Route 53. Mass

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DOT looks to limit the number of curb cuts along a roadway.

There is only 4000 square feet of commercial on first floor. What is the total square footage on the first floor in order to determine the ratio?

Mr. Tocchio stated that the intent is to not have residents on the first floor and to allow for parking spaces. He stated that he will get the ratio for the next meeting. Having the parking on the first level reduces the amount of parking fields.

Councilor DiFazio suggested that if the project had fewer units, the need for parking would be less.

An additional criterion of the overlay district is to prevent large monolithic structures that overwhelm the streetscape of adjacent area. This proposed structure would seem monolithic.

Mr. Tocchio stated that the structure is pulled back from the street and meets the property setbacks.

Mr. Russell stated that the windows will be bumped out or recessed in around the building. He pointed out that this property rises up in the rear.

Are there any affordable units? Mr. Tocchio stated that there are no proposed affordable units.

What is the estimated water usage? Mr. Tocchio stated that this has not been articulated in the plans. He stated that he will work with Planning staff on this.

Will there be charging units? Mr. Tocchio stated there will be charging units.

What is the plan for a buffer or fence on the side that has the car repair service? Mr. Russell stated that grading and/or fencing will be worked out with the owner of the property.

Mr. Tocchio stated that the responses this evening are not final. There will be further discussions.

Steven McPhee, West Lake Drive, stated that he thinks it looks nice on the front. He asked about looking into a one-mile turning lane. He noted that there was a turning lane previously, but it has been removed.

Mr. Tocchio replied that the turning lane was removed at the direction of Mass Highways.

Mr. Dirk stated that the turning lane no longer meets Mass Highways standards as it is

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a safety hazard. He stated that to meet state standards, the road will be required to have a center turn lane with one travel lane going in each direction, and bike lanes and sidewalks on both sides.

Mr. McPhee asked about drainage. Mr. Chartier stated that a hydrological analysis has been completed. This analysis looked at the flows. He pointed out that West Cove is classified as an outstanding water resource. He noted that peak flow, volume, and run-off must be reduced.

Mr. McPhee asked about the sewer lines. He expressed concern about where it is being redirected to. He pointed out that there are still problems near CVS.

Mr. Schneider pointed out that this plan will go through Conservation Commission and DPW review.

Stacey Kennedy asked about the retail space and the number of allocated parking spaces. She expressed concerns about the type of retail and the possibility of parking spilling over to West Lake Drive. She also questioned if 20 dedicated retail spots would be enough. Mr. Tocchio stated that 20 spaces is the minimum amount.

Ms. Kennedy asked if the pool/gym area will be opened as an income stream. Mr. Tocchio stated that it will be for residents only.

Ms. Kennedy asked if there would be a liquor license if the retail space is a restaurant.

Mr. Luongo stated that there probably wouldn't be enough parking spaces. He pointed out that there are stringent regulations in place.

Mr. Schneider added that there is a permitting process for getting a liquor license.

Ms. Kennedy stated that they already have problems with Washington Street Motor's as there is light spillage onto their property. They need to keep their shades drawn. She expressed concern that this project will add to that problem.

Mr. Tocchio stated that with modern standards, this spillage should not be an issue. He added that there will be more information given at the next week.

Mr. Russell stated that LED lighting that shines down will be used on this project.

Linda Glennon, West Lake Drive, expressed concern about the number of parking spaces and the number of people in each unit.

Mr. Tocchio stated that the 1.25 and 1.5 spaces are based on the regulations and statistics from other similar projects.

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Mr. McPhee asked how many kids are expected in this building.

Mr. Russell stated that the typical pattern is more for infant and toddlers, but school-age children are possible. Mr. Tocchio stated that one and two-bedrooms typically have fewer school-age children. If this were to become a concern, the property manager would need to work with the Town to resolve any issues.

Mr. Moriarty made a motion to CONTINUE the request for a SPECIAL PERMIT for Case #3434 to the March 24, 2021 meeting and was seconded by Mr. Denizkurt.

Other Business

1. Minutes: January 27, 2021

A motion was made by Mr. Moriarty to ACCEPT the minutes from January 27, 2021 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

2. Upcoming Meetings: March 24, 2021

3. ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 10:15 p.m. and was seconded by Mr. Denizkurt. VOTED UNANIMOUSLY.

Approved by: _____

Mr. Denizkurt, Clerk



5-6-2021

Date