

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

March 24, 2021

VIRTUAL

Cisco Webex Meetings

RECEIVED
TOWN CLERK'S OFFICE
2021 JUN -1 PM 2:13

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	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. Moriarty made a motion to re-open the public hearing on **Case #2422** and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

Mr. Luongo stated that he would prefer not to have an audible system when crossing the driveway; a blinking light and possibly mirrors should be sufficient.

Mr. Moriarty asked about a transparent or semi-transparent door. He expressed concern about the rest home that abuts this property.

Mr. Christopher stated that the flashing light takes care of people who are deaf but not people who are blind. He stated that he can come up with a system that is adjustable to achieve all options.

Mr. J. Christopher stated that including vision panels is part of the plan.

Mr. Denizkurt asked if the Town has a problem going ahead with a vote without a comprehensive lighting plan. Mr. Luongo and Mr. Schneider both replied that they are comfortable going ahead without it.

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

Joseph Curran, 11 and 23 Front Street, stated that he was not notified of this project although he is a direct abutter. He expressed concern about the view and vista and that it will be overwhelming.

Mr. Curran asked if the current parking in front of 15 and 17 Front Street will remain.

Mr. Curran stated that the setback of the building in reference to his driveway will make it difficult for him to exit

Mr. J. Christopher stated that he would be willing to go over the landscaping and lighting plan with an abutter.

Councilor Kiely stated that Mr. McGough has been receptive to the community input received.

Mr. McLeod advised Mr. Curran to reach out to the Planning Department with his concerns. He also stated that the landscape plan will be revisited after the Conservation Commission determination.

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

Mr. Denizkurt made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for **Case #3422**.

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:

- Outstanding comments from the memo dated March 5, 2021, from James McGrath, Assistant Town Engineer, are addressed to the satisfaction of the Public Works Department.
- As per current architectural drawings the siding will be fibrous cement material; vinyl siding is not permitted.
- Prior to issuance of building permit, the contractor will submit a detailed staging and mobilization plan that includes accommodations for employee parking and traffic management.
- The applicant has agreed to provide the town with \$25,000 to assist with on-going traffic intersection improvements in Weymouth Landing. Half of the money will be paid at 50% occupancy with the remainder paid at full occupancy.
- A stop line and the word message “stop” will be placed where the entrance driveway meets circulating traffic in the garage approximately five (5) feet west of the retail space wall as outlined in Owen MacDonald’s memorandum dated 3/24/2021. Applicant will work with the Town in regards to any other safety features that may be necessary such as audibles, blinking lights, and mirrors for pedestrians and vehicles.
- Access to cable will be provided by the applicant. There will be no exterior dishes on the building.
- A technical plan will be submitted to the Planning Department for review, discussion, and final approval.
- Landscape plan is being reviewed in conjunction with the Conservation Commission. Planning and Conservation will work to coordinate, review, and approve the final landscape plan.
- Interior directions for vehicles will be provided to the satisfaction of the Planning Department.

The motion was seconded by Mr. Moriarty. Motion passed 4-0.

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Brandon Diem
Rob Christian

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

2. **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

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. McLeod stated that this is a continuation of a public hearing from March 20, 2021.

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

- Tim Russell, Licensed architect and licensed construction supervisor as well as a principal at Trinity Green Development
- Tom Broderick, managing partner at Trinity Green Development
- Austin Chartier, civil engineer with McKenzie Engineering Group
- Sean Pappas, Sean Pappas Landscape Architecture
- Shaun Kelly, VAI, Vanasse & Associates, Inc., Transportation Consultants
- Chris King

Mr. Tocchio stated that there were some open questions from the previous meeting that he will address this evening. He also stated that there were Engineering comments from Jim Donovan dated March 19, 2021 which will also be addressed.

Mr. Tocchio stated that the Conservation Commission meeting last night was continued but the comments were positive.

Mr. Russell discussed the rendering for the Washington Street side of the building, He pointed out architectural changes to make the building more residential as opposed to modern. The façade has been broken up, the roof heights have been alternated, and

there are decks and window fenestrations. He added that there will be masonry at the base and corners around the building. The upper part of the building will be cement based panel and metal composite panel. The decks will have ornamental steel type of rail.

Mr. Russell noted that additional commercial space has been added as well as more parking.

Mr. Tocchio discussed the percentage committed to commercial. He noted that the initial 4000 square foot commercial space has been increased to 6000 square feet. The number of parking spaces has been increased by ten spaces. The final number of parking spaces is 259.

Mr. Tocchio stated that some spaces were eliminated to accommodate for the emergency vehicle turn-around. He reported that 15 dual port EV chargers will be installed, with the provision of infrastructure for 30 more to be installed in the future.

Mr. Tocchio stated that the water usage 22,630 gallons per day and the building is sewer building. The number is based on Title V calculations.

Mr. Tocchio stated that although an affordable component is not required, he has submitted a document to Mr. Luongo, today, regarding a potential special condition.

Mr. Chartier stated that the walkway has been extended out to Washington Street/Route 53.

Mr. Chartier stated that the site is fully designed to Department of Environmental Protection (DEP) standards. Any potential outfall will discharge to the West Cove of Whitman's Pond which is an Outstanding Resource. He noted that in a 1" rainfall event the water will be retained 100% on site.

Mr. Chartier noted that the water does not flow through West Lake Drive; rather it will outflow through Cynthia Circle. The Town has connection fee requirements based on the amount of sewerage.

Mr. Kelly stated that radius improvement onto the state highway must meet Department of Transportation (DOT) design criteria. He added that if possible, the radius could be increased.

Mr. Luongo addressed the affordable housing component. He noted that it is not required but the developer has agreed to provide 10 affordable housing units. Four (4) studio and six (6) one bedroom units. Incomes must be 80% of the median income of the Boston Metropolitan Area. The rents are dictated by U.S. Department of Housing and Urban Development (HUD).

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

Councilor DiFazio stated that he thanks the applicant for making the changes suggested at the last meeting. He stated that he believes that the Ordinance states that the 1st floor shall be commercial. He added that the Ordinance Committee is looking into this.

Councilor Mathews stated that he appreciates the changes presented this evening such as the design changes and the affordable units.

John Lambiase, 119 Park Ave West, expressed concern about the crosswalks. He noted that he grew up at 650 Washington Street. He shared two stories about traffic incidents in that area. He stated that traffic in this area needs to be slowed down. He also expressed concern about the rear driveway entrance to the RK mall which is not pedestrian friendly as it only has guardrails on either side.

Mr. Kelly stated that it makes sense to have a crosswalk. He pointed out that this falls under the control of Mass. DOT. Mr. Luongo stated that the Town, and the developer will work with Mass. DOT to resolve this matter.

Mr. Luongo stated that the water issues on West Lake Drive and Cynthia Circle are maintenance issues. The outfall areas need to be maintained by the Town's Department of Public Works (DPW).

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

Mr. Moriarty made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for **Case #3434**.

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:

- Ten units (4 studioa and 6 one-bedrooms) will be set aside as affordable housing according to HUD standards.

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

New Business:

1. **Case #3436** - The petitioner, Lindsay Larkin, for property located at **10 Mountain View Road** also shown on Weymouth Town Atlas sheet 30, block 350, lot 57, 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

The subject property is 3,150 sf parcel of land with single family dwelling located on the property. Petitioner seeks to demolish existing building and rebuild a 2 story home to include a basement.

Mr. Denizkurt made a motion to open the public hearing on **Case #3436** and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Mr. Denizkurt made a motion to waive the reading of the public notice and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Lindsay Larkin appeared before the Board. She stated that she is looking for a special permit to demolish and rebuild her current home. She stated that the proposed building does not exceed the current footprint. She pointed out that the lot is very small. She reported that their plan calls for basement, 1st and 2nd floor and an attic.

Mr. Schneider stated that they have been working with the applicant to get the plan. He noted that the plan does not increase any non-conformity.

Ms. Larkin stated that she approached two separate contractors who both strongly encouraged her not to try to renovate and to demolish and rebuild.

Mr. Diem asked for clarification on the height and number of stories. Ms. Larkin stated that this will be a raised rebuild with two-stories

Councilor Mathews stated that he is in support of this proposal. He noted that he did not receive any calls or comments from neighbors.

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

Mr. Denizkurt 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 #3436**.

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. Diem. UNANIMOUSLY VOTED.

2. **Case #3437** - The petitioner, FoxRock 200 Libbey, LLC, for property located at **200 Libbey Industrial Parkway** also shown on Weymouth Town Atlas sheet 34, block 435, lot 141, located in the POP District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit and/or Variance as follows:

- Section 120-51 and Table 1: Schedule of District Regulations:
- Special Permit: Height: 3 stories, not to exceed 35 feet; up to 6 stories, not to exceed 80 feet.
- Variance: Lot Coverage Area: Variance to exceed 60% lot coverage area
 - Section 120-38.3/120-38.4 - Flood Plain Special Permit;
 - Section 120-62.1 Landscaping - Variance from Front Yard Landscaping requirement;
 - Section 120-64.4 Signs in Industrial Districts - Variances from the square footage and location limitations for Wall Signs and Freestanding Signs
 - Section 120-74.1. - Off-Street Parking - Variance from Minimum Required Spaces for Medical Office

The subject property is 187,308 sf parcel of land with a mostly vacant industrial building located on the property. Petitioner seeks to replace 2 story building with a 3 story medical office building.

Mr. Moriarty made a motion to open the public hearing on **Case #3437** 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 Edward Fleming appeared before the Board on behalf of the applicant. He stated that the following members of the development team are present this evening.

- Josh Kleinman, FoxRock 200 Libby LLC, representative
- Glenn Dougherty, Tetra Tech, project engineer
- Kellie Connelly, Terraink., landscape architect
- Courtney Jones, Tetra Tech, traffic engineer
- Martin Batt, Isgenuity, project architect

Mr. Fleming gave an overview of the proposed project.

Mr. Dougherty reviewed the existing condition plan. He noted that 72.5% of the site is impervious and there is uncontrolled runoff from the site into Whitman's Pond. He stated that this project will have a water management system to collect, control, and treat storm water.

Mr. Dougherty reviewed that site layout plan. He pointed out that the building will have a smaller footprint than the existing one and will be 130 feet away from Whitman's Pond as opposed to the current 60 feet. The edge of pavement is currently 14 feet from the pond and will be increased to 40 feet. The same access points to Libby Parkway will be maintained. The plan includes 270 parking spaces with 34 handicap spots, and two EV charging stations.

Mr. Dougherty reviewed the grading and drainage plan. He stated that they worked closely with Jay Donovan from the Town's DPW. He noted that there will be an added recharge system to handle 100% of the building roof run off. An existing detention basin along Libby Parkway has not been maintained and will be retrofitted. It will be cleaned out, the footprint will be expanded, and there will be formal basin berms. He added that this will increase capacity by three times. He also indicated that this retrofit will help to reduce the impervious pavement by 70% of the current conditions. There will be three rain gardens between the site and Whiman's Pond.

Mr. Dougherty reviewed the utility plan; he noted that existing utilities are readily available.

Kellie Connelly reviewed the landscape plan.

Courtney Sudak reviewed the traffic. She stated that she worked closely with Owen MacDonald, Weymouth's traffic engineer.

Martin Batt reviewed the concept rendering plan.

Jason Nicastro stated that there is a variance request for signage. The proposed signage would be 7 foot high by 9 foot 6 inch wide. Also the height limit is 6 feet and the proposed pylon sign is 7 feet high. Mr. Nicastro stated that the Town's bylaws limits signage to 40 square feet; the proposed square feet is 82 square feet.

Mr. Nicastro stated that the building mounted signage is used to identify the entrance to the building.

Mr. Fleming stated that the hardship associated with this site is its location within the flood plain district and abuts Whitman's Pond.

Mr. Schneider informed the Board that the Town Council approved an amendment to the Zoning Bylaws that allow signage to be approved through site plan review and administratively through the Planning Department. He stated that this Board does not need to grant a variance.

Mr. Schneider reported that the Town's Building Director has determined that the proposed parking is adequate for the site and there is a letter on file.

Mr. McLeod stated that the applicant is now looking for two special permits and two variances as the parking and signage do not require them.

Mr. Denizkurt asked for an example of type of building being proposed. He stated that he is having difficulty visualizing the building.

Mr. Denizkurt asked when is the intersection light work at Libby Parkway and Pleasant Street will be completed. Mr. MacDonald stated that progress is continuing, slowly but the anticipated completion of the project is by the end of this calendar year.

Mr. Fleming stated that this proposed project's completion is 2024.

Mr. Denizkurt also expressed concern regarding a utility pole right outside the front door of the house on the corner.

Mr. Luongo stated that this intersection improvement is being paid for by Bristol Brothers. They are waiting for the utility company to do wiring on new poles. He noted that the home on the corner is owned by Mr. Bristol. The pole had to be moved to increase the turning radius.

Mr. Christian expressed concern about the 130 foot buffer between the building and Whiman's Pond. His concern is that a future owner could try to overbuild on the site.

Mr. Dougherty reported that area is about 8000 Square footage. The existing structure is currently 60 feet from the pond and the proposed building will be 130 feet from the pond. Within the area between the parking lot and the pond, rain gardens will be built. This is part of the Conservation Commission's Order of Conditions. Any future owner would have to go through the Conservation Commission.

Mr. Christian asked about trash receptacles. Ms. Connelly stated that there would be trash and recycling receptacles.

Mr. Diem asked for clarity on the need for the additional building height.

Mr. Batt stated the first floor will be 15 feet high to accommodate diagnostic equipment such as is needed for radiology as well as for the support structure. Mr. Batt stated that the second and third floors will be approximately 13 feet 4 inches. He

noted that medical use that includes sound booths, PT/OT needs, and other patient-oriented need the higher ceilings.

Mr. Batt stated that there is a mechanical penthouse on roof which will be screened. He stated that they are still developing what it will look like. He added that the building is proposed to be 45 feet plus the height of the penthouse.

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

Councilor Mathews stated that this project is a great re-use of an former industrial site.

Mr. Luongo stated that the Town is still in discussions with the applicant regarding mitigation. Sidewalks, access to rain garden, and several other issues are being considered.

Mr. Luongo stated that he is disappointed in the design of the building and has asked the applicant to revisit the design.

Mr. Fleming requested that the Board consider making it a part of the decision to affirm the Building Director's opinion regarding the signage and parking

The Board requested a final rendering of the signage and a clearer rendering of the proposed design of the building.

Mr. Moriarty made a motion to CONTINUE the public hearing until April 14, 2021, and was seconded by Mr. Christian. UNANIMOUSLY VOTED.

Other Business

1. Minutes: NONE
2. Upcoming Meetings: April 14, 2021
3. ADJOURNMENT

Mr. Denizkurt made a motion to adjourn at 9:45 p.m. and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by:

Mr. Denizkurt, Clerk



5-28-2021

Date