

BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
August 10, 2022, 7:00 p.m.  
Weymouth High School  
Mary Jo Livingstone Humanities Center  
1 Wildcat Way, Weymouth, MA 02190

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2022 OCT -7 AM 10:37

**Members Present:** Kemal Denizkurt, Chairperson  
Jonathan Moriarty, Vice-Chairperson  
Carsten Snow-Eikelberg  
Jon Lynch  
Nicole Chin

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

Chairperson, Kemal Denizkurt, called the Board of Zoning Appeals meeting to order at 7:00 p.m. at Weymouth High School, Mary Jo Livingstone Humanities Center, 1 Wildcat Way, Weymouth, MA 02190, and explained the procedures that would be followed to the people present.

**Old Business:**

1. **Case #3480 - CONTINUED BY APPLICANT TO 8/24/22** The petitioner, **Elksy Development LLC**, for property located at **1197 & 1215 Washington Street** also shown on Weymouth Town Atlas sheet 35, block 447, lots 1 & 3, located in the HT, B-1, R-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 site consists of two parcels. One of the subject properties is a 4.65-acre parcel of land with a 22,750 SF three-story Elks Local Lodge located on the property as well as an accessory concession stand building. The other subject property is a 0.28-acre parcel of land with a 2,485 SF multi-unit residential apartment building with a detached garage containing an additional unit. Petitioner seeks to demolish building and construct a mixed-use facility containing 147 independent senior living units.

Mr. Moriarty made a motion to CONTINUE **Case #3480** to 8/24/2022 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

2. **Case #3473- CONTINUED BY APPLICANT TO 9/7/22** The petitioners, **McDonald Keohane Funeral Home, Inc.**, for properties located at **809 Main Street** also shown on Weymouth Town Atlas sheet 45, block 515, lots 4, 5 & 14 located in the Medical Services, R-1 & Watershed Protection Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

<b>Special Permit</b>	120-40 (to the extend applicable)	extension or change by special permit
<b>Special Permit</b>	120-13 A (as in effect on 12/2/2021)	special permit use funeral home
<b>Special Permit</b>	120-13 B (to the extend applicable)	special permit use garage space for or storage of more than three automobiles
<b>Special Permit</b>	120-22.12.A Special Permit Uses	funeral home

The subject properties consist of three parcels consolidated to 2.81 acres with a licensed funeral establishment. Petitioner seeks to expand the existing licensed funeral establishment with a single-story addition including a transfer bay, a 2,840 SF chapel area, and a 2,112 SF lobby area. The proposal also includes construction of a detached 1,950 SF garage and site improvements to add onsite parking and improve circulation and stormwater management. Applicant proposes to demolish 636 SF of exiting funeral home, the garage and shed at 8-9 Main Street, and the existing dwelling at 19 Cypress Street

Mr. Moriarty made a motion to CONTINUE **Case #3473** to 9/7/2022 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**Case #3472- CONTINUED BY APPLICANT TO 9/7/22** The petitioners, **James Andrew**, for properties located at **180 Pilgrim Road** also shown on Weymouth Town Atlas sheet 4, block 30, lot 5, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

<b>Special Permit</b>	120-40	extension or change by special permit
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The subject property consists of a 2,680 SF parcel with a single-family home. Petitioner seeks to enclose existing front porch, excavate the front hillside to create a carport, and raise the roof to accommodate an additional story.

Mr. Moriarty made a motion to CONTINUE **Case #3472** to 9/7/2022 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**Case #3481 - CONTINUED BY APPLICANT TO 8/24/22** The petitioner, **Elizabeth Cameron & Christopher Kilbridge**, for property located at **406 Union Street** also shown on Weymouth Town Atlas sheet 55, block 575, lot 3, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

<b>Variance</b>	120-51	Schedule of District Regulations side and rear setback
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The subject property is 15,000 SF parcel of land with a single-family home located on

the property. Petitioner seeks to add an attached two-story two-car wood framed garage with office storage above at the existing driveway.

Mr. Moriarty made a motion to CONTINUE **Case #3481** to 8/24/2022 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**New Business:**

1. **Case #3482** - The petitioner, **Anton Cela**, for property located at **352-360 Bridge Street** also shown on Weymouth Town Atlas sheet 7, block 92, lots 5 & 6, located in the B-2 and R-1 Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

<b>Special Permit Variance</b>	<b>120-27 C Table 1</b>	<b>Special Permit Uses by BZA multiple dwelling Schedule of District Regulations</b>
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The site consists of two parcels that are vacant and formerly used as commercial properties. One of the subject properties is a 9,528 SF parcel of land with open parking and a structure. The other subject property is a 24,959 SF parcel of land with a former commercial building. Petitioner seeks to raze all existing structures and build a mixed-use structure with commercial use on the ground level and two levels above totaling 20 units.

Mr. Moriarty made a motion to open the public hearing on **Case #3482** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Brian Donahue of Donahue Architects appeared before the Board on behalf of the applicant. Mr. Donahue reviewed the proposed project. The applicant will have his business, a kitchen showroom, on the first floor with residential units on the second and third floors, and a green roof. There are 12 two-bedroom and 8 one-bedroom units planned. The roof will have an enclosed 2500 SF multipurpose community room with patio areas surrounding it.

Mr. Donahue stated that this will be a wholesale showroom that is by appointment only. There will be no inventory or stock located on the premises. The plan calls for a trash room inside for the residents rather than a dumpster. A waste management company will be hired for pick-up.

Mr. Donahue explained that the application requires a special permit for residential use in a B-2 zone. They require a variance for dimensional requirements for height and Floor Area Ratio (F.A.R.). The required F.A.R. is .3 and the site's F.A.R. as planned is .45 FAR. He continued that common spaces were eliminated from the ratio calculation.

Mr. Denizkurt stated that the threshold for a variance is higher than that for a special permit and asked Mr. Donahue to give further information.

Mr. Luongo questioned the number of units as the plans show 22 instead of 20. Mr. Donahue stated that there will only be 20 units.

Ms. Snow-Eikelberg asked about the location of the mechanicals. Mr. Donahue stated that they will be located in a basement area that is not shown on the plans yet.

Ms. Chin asked about the fencing along the rear of the property. Mr. Donahue stated that it will be 6' stockade fencing.

Ms. Chin questioned the accuracy of the radius of the curve on the corner of Bridge and Pratt Street; it doesn't look to be a continuous line. Mr. Donahue reported that he will confirm the radius.

Mr. Donahue stated that there was a neighborhood meeting held at town hall. He reported that it went well. Issues brought up were about circulation into the neighborhood and that there be no vehicular connection into the Newton Street neighborhood. He further noted that an area on the corner will be set aside for public use.

Mr. Luongo reported that there has been overall support for the project.

Mr. Denizkurt questioned the radius of the entrance to the smaller lot from Bridge Street. Mr. Donahue stated that they looked at this in several ways, considering access through the main parking lot but that would reduce the number of parking spaces. He pointed out that it can be looked at again.

The hours for the kitchen showroom would be 8 a.m. to 4 p.m. Monday through Friday and 9 a.m. to 3 p.m. on Saturday.

Mr. Denizkurt stated that he would look for a condition that the rooftop common area is not to be rented out for public use.

The outside patio area on the roof will have a 42" parapet around the perimeter and the space is designed towards the front of the building on the Bridge Street side.

Ms. Chin asked if there is sufficient lighting for commercial spaces. Mr. Donahue reported that there will be recessed down lighting on the building. He added that they are proposing one pole light in the parking area. There will be low bollard lights in the park area on the corner.

Mr. Denizkurt stated that there is more information needed:

- Signage plan
- Lighting plan

- Snow plan for snow removal during heavy snow fall
- Radius off Bridge Street of the curb cut
- More information about variance request - calculation of numbers of F.A.R.
- Loading dock/deliveries
- Landscaping plan showing location of trees and other details
- Material for patio and details for bollard lighting
- Left side - area with arborvitaes

Mr. Schneider stated that the town had asked the applicant to “soften” the landscape of the property by adding the park on the corner which takes up some of the real estate. This is a B-2 zone which could have as many as 6 stories but it is limited to 2 ½ stories when it abuts R-1.

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

Councilor Burga reported that she wants to see this to be a quality project. She stated that green space is very important. She added that the dog park, benches and trees are good but stated that more arborvitaes could be added along the back fence line. This is important not only for aesthetics but also for sound. She stated that she has requested that the applicant clean up the site, but this has not happened.

Mr. Moriarty made a motion to CONTINUE the public hearing for **Case #3482** to September 7, 2022, and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**2. Case #3483** - The petitioner, **Gregory & Michelle Banks**, for property located at **16 Cherry Lane** also shown on Weymouth Town Atlas sheet 43, block 503, lot 73, 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

The site consists of an 8,400 SF parcel of land with a single-family home. Petitioner seeks to demolish existing family room and garage and replace with a family room, dining area, and entry area.

Mr. Moriarty made a motion to open the public hearing on **Case #3483** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

The applicants appeared before the Board with their two children. He stated that he has spoken to his neighbors and there was no objection. The addition will be within the same footprint. It will not come out any further than the house.

Mr. Schneider reported that he did not receive any comments from town departments nor response from abutters.

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

Mr. Moriarty made a motion to close the public hearing on **Case #3483** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3483**.

**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 Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**3. Case #3484** - The petitioner, **John Christopher & Jennie MacKenzie**, for property located at **90 Tower Avenue** also shown on Weymouth Town Atlas sheet 45, block 523, lot 14, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

<b>Variance</b>	<b>120-54</b>	<b>confinement of accessory uses to rear yard</b>
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The site consists of a 10,500 SF parcel of land with a two-family home. Petitioner seeks to assemble and install a gazebo kit.

Mr. Moriarty made a motion to open the public hearing on **Case #3484** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

John Christopher appeared before the Board with his wife Jennie and their daughter. He stated that they would like to put a gazebo in the side yard which is street-facing. The placement of the house on the lot is such that there is limited space in the backyard area. He presented several photos which were labeled Exhibits 1,2,3, and 4.

Mr. Schneider stated that per the Building Department, this is considered a semi-permanent structure.

The gazebo will have footings that triggered the need for a variance and will be located inside the chain link fence.

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

Mr. Moriarty made a motion to close the public hearing on **Case #3484** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

#### **VARIANCE**

Mr. Moriarty made a motion to APPROVE this application for a variance on **Case #3484** because the applicant has shown a hardship in the shape and topography of the lot. The site is a corner lot with the house set far back on the lot with minimal backyard space so the placement in the side yard is needed. 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 motion was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**4. Case #3485 - The petitioner, Bridget Kittredge & Jim Miller**, for property located at **180 Green Street** also shown on Weymouth Town Atlas sheet 8, block 119, lot 8, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance	Table 1	Schedule of District Regulations
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The site consists of a 17,500 SF parcel of land with a single-family home. Petitioner seeks to demo existing non-conforming dwelling and build a new single-family residence.

Mr. Moriarty made a motion to open the public hearing on **Case #3485** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

The applicants appeared before the Board. Mr. Miller stated that they would like to demolish the existing house which currently sits approximately 1 foot off the front setback. The placement of the new house will make the lot more conforming with the front set back at 12' 8" to the foundation

Mr. Miller stated that there is a garage that is in the town's right-of-way. He agreed to take down the garage first.

Mr. Miller stated that the existing home is 1400 SF and the new structure will be 2638 SF which will include a garage.

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

Mr. Moriarty made a motion to close the public hearing on **Case #3485** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

#### **VARIANCE**

Mr. Moriarty made a motion to APPROVE this application for a variance on **Case #3485** because the applicant showed hardship in the soil, shape, and topography of the lot. This will reduce the existing non-conforming. 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 existing single-car garage in the right of way will be removed prior to the issuance of a certificate of occupancy. The motion was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

#### **Other Business**

##### **1. Minutes: 5/18/2022, 6/15/2022**

Ms. Snow-Eikelberg made a motion to approve the minutes from 5/18/2022 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Ms. Snow-Eikelberg made a motion to approve the minutes from 6/15/2022 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

##### **2. Upcoming Meetings: August 24, 2022**

##### **3. ADJOURNMENT**

Ms. Snow-Eikelberg made a motion to adjourn at 8:30 p.m. and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by:  10.5.22  
~~Mr. Moriarty~~, Clerk Date  
Mr. Moriarty