

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
May 5, 2021, 7:00 p.m.
VIRTUAL

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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. via Webex and explained the procedures that would be followed to the people present.

New Business:

1. Case #3442- The petitioner, **Robert Weikel**, for property located at **1224 Commercial Street** also shown on Weymouth Town Atlas sheet 19, block 253, lot 2 located in the B-2 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 subject property is a 20,015 sf parcel of land with a single family house with a detached storage garage. Petitioner seeks to create a studio apartment in the basement which currently has 5 full size windows.

Mr. Foley made a motion to open the public hearing on **Case #3442** 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. Weikel appeared before the Board to request relief to create a studio apartment in the basement on the single-family house. The zoning district is B-2.

Mr. Weikel reported that the entire house was renovated in 2017-2018. Provisions were made in the basement for a walk-out studio apartment. He stated he would like permission to build out the project.

Mr. Foley asked about the availability of parking. Mr. Weikel stated that there is space on the left side of the house and there is a common driveway on the right. There is also space for 6-10 cars down below in the rear of the property.

Mr. Diem asked about the one-story garage. Mr. Weikel stated that this has already been constructed.

Mr. Schneider stated that a condition on this case be that the applicant demonstrate four marked parking spaces to the satisfaction of the building inspector before moving forward.

Mr. Foley asked who owned the business at the bottom of the driveway. Mr. Weikel stated that it is his business.

Mr. McLeod 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 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3442**.

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 condition will apply:

- Four marked parking spaces will be shown to the satisfaction of the building inspector before moving forward.

The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED as follows:

Richard McLeod - Yes
Ed Foley - Yes

Kemal Denizkurt - Yes
Brandon Diem - Yes

Jonathan Moriarty - Yes

2. Case #3443- The petitioner, **Hanover RS**, for property located at **1325 Washington Street** also shown on Weymouth Town Atlas sheet 35, block 448, lots 7, 8, 9 & 25, located in the HT, R-2, I-1 & CCOD Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

The subject property is a 9.78 acre parcel of land with single family residential houses, private road, former quarries and quarry roads, exposed ledge, and woods. Petitioner seeks to construct two 4-story mixed use buildings with 270 residential apartments, first floor commercial space, site amenities, associated parking access, and utility infrastructure.

Mr. Foley made a motion to open the public hearing on **Case #3443** and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

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

Attorney Frank Marinelli appeared before the Board on behalf of the applicant. Mr. Marinelli gave an overview of the project. He noted that no variances are being requested.

Mr. Marinelli pointed out that the yearly net revenue stream to the Town of Weymouth will be \$550,000 and there will be \$900,000 in building permit fees.

Mr. Marinelli introduced the Team for this project as follows:

- David Hall, applicant, Hanover Company
- Gabe Crocker, Civil Engineer, Crocker Design Group
- Mike Howard, Environmental Engineer, Epsilon Associates
- Jeffrey Dirk, Traffic Engineer, Vanasse & Associates Inc.
- Mark Fougere, Fiscal, Fougere Planning - Development
- Tom Godfrey, Consultant

Mr. Hall reviewed the site plan rendering. He pointed out that there is an emergency-only access to Mr. Bristol's property. There are wetlands to be protected and they are working with Conservation Commission.

Mr. Hall pointed out that there will be 148 one-bedroom units, 108 two-bedroom units, and 14 three-bedroom units for a total of 270 units. Twenty of the units will be workforce affordable. He reported that they expect to break ground on the project in January 2022 and the project will take two years to build.

Kayvan Zarea further reviewed the site plan rendering. He stated that the building materials will be lap board and panel board siding, as well as masonry.

Mr. Crocker reviewed the site design. He reported that there are 394 proposed parking spaces. He noted that 389 are required; he also noted that 34 of the spaces will be in six garages. The site is compliant dimensionally and the FAR is 0.67 (the maximum is .75.) There will be 20 workforce/affordable housing units.

Mr. Dirk reviewed the transportation impact assessment. He noted that they have worked with the Massachusetts Department of Transportation (Mass DOT), and Weymouth's Planning Department and traffic engineer.

Mr. Hall reviewed the financials. He noted that the projected annual property taxes is \$700,000. The estimated building permit fee is \$900,000 along with \$1,200,000 in one-time water and sewer fees. He pointed out that the estimated net annual positive fiscal impact is \$500,000. He added that the estimated number of school aged children is 32.

Mr. McLeod asked about trash storage and removal. Mr. Hall pointed out that the dumpster will be enclosed and residents will bring their trash to the dumpster. The trash will be picked up several times per week depending on usage, and will be picked up privately not through town services.

Mr. Hall stated that each unit will be wired for cable and satellite dishes will be prohibited.

Mr. Moriarty asked if there is just one dumpster. Mr. Zarea stated that there is a primary dumpster that has a trash compactor. Adjacent to the dumpster is a recycling center.

Mr. McLeod noted that the dumpster is located on the side where there are abutters. He questioned if the abutters have had any input into this location. Mr. Hall reported that this has not come up in discussions. He pointed out that it will be inside a very large fence and covered by greenery. Also, it is approximately 100 feet to the nearest house. Mr. Hall added that there is an easement between this property and the residential abutters.

Mr. Foley asked about workforce housing and how it helps the town meet the 40B requirements. Mr. Hall stated that as long as the units are at 80% of median income or below, they will count towards subsidized housing inventory. He stated that the town will get full credit as affordable housing.

Mr. Denizkurt asked about residents taking mass transit, and which stations are expected to be used. Mr. Dirk stated that the Route 222 bus would go to Quincy Center and there is also the possible use of the two commuter rail stations in Weymouth.

Mr. Foley asked if HVAC information is included in the packet that he received. Mr. Dazzo replied that he will forward the presentation to him.

Mr. Schneider stated that the applicant was before the Conservation Commission last night for the first hearing which was continued until June.

Engineering and Conservation requested that the project be subject to a peer-review by an independent, third-party, engineering company. The applicant has agreed and they are working to come up with a mutually agreeable company

The project will require Mass DOT permitting. The applicant is still working through some of the details of the traffic analysis and review.

Mr. Luongo stated that he would like to see this hearing continued after public comments. He stated the twenty affordable units will be 80% of the median income which is called affordable not workforce housing. These units will meet the affordability requirement and will count towards affordable units in the Town of Weymouth.

Mr. Luongo reported that the Town Council is considering 10% Inclusionary Housing. This means that any multi-family development in the commercial corridor would have to provide 10% of affordable units. He stated that this is not currently in the ordinance. The Hanover Company was not obligated to provide the affordable units but has agreed to include 20 units in this project.

Mr. Foley asked if there could be a site walk. Mr. Luongo directed Mr. Foley or other members of the Board to contact Mr. Schnider to arrange it.

Mr. Diem asked if the affordable units will have an expiration date. Mr. Luongo stated that the units would be in perpetuity.

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

Trisha Pries, 50 Woodbine Road, stated that the expected tax revenue would be offset by the need to educate children that will live in the development.

Ms. Pries stated that this development is in wetlands abutting a conservation area. She pointed out that housing is a secondary economy not commercial and she is confused as to why housing is being allowed in a commercial zone.

Peter Kiley, 40 Old Colony Drive, stated that he has Sewer concerns and the effect that adding 270 units will have on the town's system. He noted that there is a \$1.2 million one-time fee for sewer connection. He questioned what sewer improvements could be made.

Mr. Kiley expressed concern about the parking across the street at Prevites. Although the parking is illegal, what will this project do to those businesses.

Mr. Kiley asked about ground maintenance and snow removal.

Mr. Kiley also asked about the capacity of the Route 222 bus.

Mr. McLeod pointed out that the public hearing will remain open as there are a number of outstanding issues that need to be addressed.

Gary MacDougall, 131 Southern Avenue, expressed concern about the number of children that would live in this development. He also questioned if there would be a (traffic) light at the entrance of this 270 unit development. He stated that he believes that the project will be a burden to Route 53.

Mr. MacDougall also expressed concern about how these additional units will impact the town's water usage.

Clare Coughlan, 6 Argyle Court asked for clarification on the neighborhood meeting. Mr. Hall reported that the meeting was the community meeting on Webex this past week. He offered to meet with her and/or other neighbors. Ms. Coughlan replied that she would like to arrange this.

Jennifer Mirabelli, 774 Front Street, commented that she believes that it is unlikely that people who work in Boston would take the bus as this would be a long commute

Ms. Mirabelli reported that she is worried about the expected number of children may be a lot higher than anticipated.

Ms. Mirabelli stated that the number of parking spaces required is concerning given that living in the suburbs typically requires a car. She also reiterated that the Prevites parking is an issue.

Steve Comoletti, 1373 Washington Street, stated that the road improvements on Washington Street with the addition of sidewalks and drainage will be a real improvement to the area.

Jean Lacey, 29 Harvest lane, asked if dogs will be allowed. Mr. Hall reported that this will be a pet-friendly complex. She asked what are the accommodations for the dogs. Mr. Hall stated that there will be a dog run that is enclosed and safe. She asked who picks up after them. The plan is for the residents to clean up after their pet, but there will be maintenance staff if there is a problem.

Bob Delaney, 27 Belmont Street, stated that there are two primary benefactors of this project: Hanover Group and Mr. Bristol the landowner. He asked what are they willing to give back to the Town of Weymouth for a project of this magnitude with the impact that it will have on the town and its residents. The town of Weymouth is the host community, what will the town be given to address the increased demand on services.

Mr. Delaney asked about the emergency access and potential future use. Hall stated that the gate will be accessed only by emergency personell with a fob provided to

them. He stated that a condition could be put in that prohibits common access between the two properties. He pointed out that if there is an application for the other property that a similar restriction can be placed on that project.

Mr. Luongo noted that the student population in Weymouth has been dropping. He pointed out that the Chapter 70 funds from the State has decreased which is based on student population. He added that every project is vetted by the town departments.

Mr. Marinelli stated that the revenue described by Mr. Hall is a net number that already took into consideration the expenses of students.

Mr. Foley asked what triggered the need for an Environmental Impact Report by the Massachusetts Environmental Protection Agency (MEPA). Mr. Mirabelli reported that it was the net increase in traffic because the project exceeds the 2000 vehicle trip threshold and also, the 1000 net new vehicle trips and 150 net new parking spaces.

Mr. Foley asked if the traffic study will have a peer review. Mr. Mirabelli stated that he was not aware of a peer review but he stated that Owen MacDonald, the town's traffic engineer has reviewed the traffic study and given feedback.

Mr. Luongo clarified that the peer review is focused on stormwater management.

Mr. Foley made a motion to CONTINUE the public hearing to June 16, 2021 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

3. Case #3444- The petitioner, **Brenden Burke**, for property located at **665 Washington Street** also shown on Weymouth Town Atlas sheet 29, block 375, lot 7, located in the B-1 & CCOD Districts. 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
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The subject property is a 16,169 sf parcel of land with a 2-story residential duplex with two commercial garages located on the property. Petitioner seeks to demolish the existing structures and construct a new 3-story building with one 650 sf commercial unit on the first floor and eight new residential units.

Mr. Foley made a motion to open the public hearing on **Case #3444** 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 Raymond Jennings appeared before the Board on behalf of the applicant, Brendan Burke. He reviewed the site plan. He pointed out that the new plan shows 20

well-defined parking spaces with handicap parking. There is an area for a dumpster in the rear of the property. The trash will be picked up by a private service.

Mr. Foley asked if the pool will remain. Mr. Jennings reported that it will be removed as well as the garages.

Brenden Burke stated that the ground level retail will be used as his office space. He will not be storing commercial vehicles on site.

Mr. Schneider stated that this property is non-conforming and has multiple buildings on the lot. There are three active buildings on one lot. This plan will combine uses and get rid of commercial uses which would be an improvement of non-conformity. He also stated that this project is similar in design to the 1200 block of Washington Street development. He added that this is not under the commercial corridor overlay district. This is under 120-40 to change the non-conforming use.

Mr. Foley asked what will be the impact of the loss of tax revenue with the removal of the commercial garages. Mr. Schneider replied that he did not know but he did not believe that there would be a significant impact.

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 #3444.

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 be applied:

- No construction vehicles will be stored on the property.
- Clapboard siding and cedar shingles will be used.
- Lighting plan will be approved by town officials.

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

4. Case #3445- The petitioner, **Weathervane Massapoag LLC**, for property located at

Massapoag Street also shown on Weymouth Town Atlas sheet 44, block 504, lots 8, 9 & 40 and sheet 44, block 505, lots 1 & 2, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

**Special Permit
Variance**

120-63

Planned Unit Development
Planned Unit Development

The subject property is 6.9 acres of land mostly vacant with two single family dwellings located on the property. Per section 120-119(3), petitioner is seeking a variance from the 25 acre minimum required for a planned unit development. Petitioner seeks to construct 8 single family homes under the PUD provision.

Attorney Gregory Galvin appeared before the Board on behalf of the applicant. He stated that James Bristol and Jacob Bristol were also present this evening as were Mr. Gabe Crocker and Taylor Corsano from Crocker Design Group.

Mr. Galvin gave an overview of the proposed plan to the Board.

Mr. Crocker reviewed the plan for the extension of Massapoag Street.

Mr. McLeod expressed a concern about the legal issue of Weymouth's bylaw requiring a minimum of 25 acres and this plan only has seven acres. He stated that he did not believe that the Board could approve this. He noted that there is approval for seven 25,000 square foot lots in an R-1 district but this request is for smaller lots under a Planned Unit Development (PUD). He questioned the Board's authority to grant this request under a variance.

Mr. Galvin stated that the request is to vary the Town's PUD by-law. He stated that the Building Director stated that this type of request would fall under a variance.

Mr. Luong stated that he did not believe that a variance of the PUD is allowed. In this case he states that a hardship has not been shown. He reviewed the history of PUD by-law. He maintained that this request would need to be done as a zoning change through the Planning Board and a public hearing at the Town Council with a recommendation from the Planning Board.

Mr. McLeod stated that he would like to have the town's solicitor give an opinion of whether this should be a zoning change or a variance.

Mr. McLeod asked the applicant if he would like to continue this application or withdraw without prejudice. The applicant chose to continue with the application.

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

Jeanne Lacey, 29 Harvest Lane, stated that there are five houses on Harvest lane and the residents have lived here for over 50 years. She encouraged everyone to go up to the top of Massapoag before making a decision. She reported that it is a steep hill that drops off considerably and there are many boulders. She stated that this is not a good place to put the houses. She added that there is no sidewalk. She continued that the circle is so steep around it, she questioned where the water will go. She said that there is not a need for a walking trail as there is one at the wildlife center. She expressed concern that this could become a gathering place for undesirable activity.

John Delaney stated that he thinks that Bristol Brothers' developments often provide little benefit to the town.

Kathy Swain, 134 Mill Street, stated that we are talking about the process not the product and the way to get there as well as playing by the rules. She expressed concern that the rules are not being enforced and that the citizens of the town are at a disadvantage.

Ms. Swain asked if a decision by this Board can be appealed. Mr. McLeod informed Ms. Swain that any decision by the Board can be appealed whether it is approved or denied.

Alyson Dossett, 56 Belmont Street, suggested that the Board should proceed with caution. She stated that there is a correspondence between the town's solicitor and the developer that could be interpreted as improper. She recommended that the Board proceed with caution in seeking the solicitor's opinion as there is an investigation underway by the Town Council and the Ordinance Committee.

Bob Delaney, 27 Belmont Street, asked Mr. Galvin, through the Chair, if he did not approach Mr. Luongo because Mr. Luongo was opposed to the request and went directly to Mr. Richards, who told him that Mr. Luongo was not in favor of the request. Mr. Galvin replied that he did, in fact, speak with Mr. Luongo and then he spoke with Mr. Richards. Mr. Delaney stated that he thinks that this request should be requested through a zoning change.

Gary MacDougall, 131 Southern Ave., stated that he has walked up to this property in October of 2019. He asked how long has this project been under construction in grading out this land. Mr. Luongo reported that there has been some clearing on the property. Mr. Galvin stated that the subdivision approval goes back to 2019.

Mr. MacDougall stated that the property is very steep.

Mr. Bristol stated that he is a life-long resident of Weymouth and his family has been in business in weymouth for over 100 years.

Mr. Moriarty made a motion to **CONTINUE** the public hearing until July 14, 2021 and was seconded by Mr. Denizkurt. Motion passed on a 4-1 vote with Mr. Foley opposed.

Other Business

1. Minutes: 2/24/2021 and 3/10/2021

Mr. Foley made a motion to approve the minutes from 2/24/2021 and 3/10/2021 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

2. Upcoming Meetings: May 26, 2021

3. ADJOURNMENT

Mr. Foley made a motion to adjourn at 10:25 p.m. and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by:

Mr. Denizkurt, Clerk

A large, stylized handwritten signature in blue ink, likely belonging to Mr. Denizkurt, the Clerk.

J. Moriarty

5/14/2021

Date