

BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
August 24, 2022, 7:00 p.m.  
Weymouth High School,  
Mary Jo Livingstone Humanities Center  
1 Wildcat Way, Weymouth, MA 02190

RECEIVED  
TOWN OF WEYMOUTH  
TOWN ENGINEERING  
2022 OCT -7 AM 10:37

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

**Also Present:** Robert Luongo, Director of Planning  
Eric Schneider, Principal 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 in the 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:**

**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.

**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 extent applicable) extension or change by special permit
<b>Special Permit</b>	120-13 A	(as in effect on December 2, 2021), special permit use - funeral home
<b>Special Permit</b>	120-13 B	(to the extent 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 existing funeral home, the garage and shed at 809 Main Street and the existing dwelling at 19 Cypress Street.

**Case #3482 - CONTINUED BY APPLICANT TO 9/7/22** 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</b>	120-27 C	Special Permit Uses by Board of Zoning Appeals - multiple dwelling
<b>Variance</b>	Table 1	Schedule of District Regulations

The site consists of two parcels that are vacant 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.

**Case #3481 - CONTINUED BY APPLICANT TO 9/7/22** 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 the public hearing on **Case #3481** to 9/7/2022 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**Case #3480 -**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:

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 the building and construct a mixed-use facility containing 147 independent senior living units.

Mr. Moriarty made a motion to re-open the public hearing on **Case #3480** and was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Attorney Jeff Tocchio appeared before the Board on behalf of the applicant. Also present:

- Gabe Crocker, Crocker Design Group
- Kirsten Braun, Traffic Engineer with Mueller, and Associates
- Dan King, Myer Architecture
- Brendon Mallon, Buildable Sites, Senior Living Consultant
- Jim Langenstein, Longstone Gardens

Mr. Tocchio gave an overview, noting the following: they have submitted a Notice of Intent to the Conservation Commission. They will appear before the Commission next Tuesday, 9/30/2022. They have received advisory comments from the Commission and from the town's Water and Sewer Department. He also noted that they dug additional test pits.

Mr. Crocker gave an update on changes that have been made to the site.

- Supplemental test pits were dug; they were favorable with sandy soil; higher infiltration rates on-site will be possible.
- Swale to the rear of the site will be re-designed to send water to the property's new drainage system.
- Retaining wall material will be submitted to the Planning Department for final approval.

Mr. King reported that the green space on the corner of Washington and Pleasant will no longer have a low stone wall. The wall behind this space will have the same stone that will be used on the exterior of the building.

The materials on the building will be:

- Manufactured stone, lighter gray and brown on the base, highlighting some of the entrance areas
- Horizontal plank

- Cement board panels
- Wood highlights in the background of the balconies
- Roof is mostly asphalt shingles

Ms. Braun gave a presentation on the traffic impacts of this redevelopment proposal. She stated that in the morning peak hour there will be 29 additional trips. As the current use is not open in the morning, all of these trips are new to the study area. She continued that in the evening peak hour there will be 37 trips which are five additional trips. She noted that this will have a negligible impact on the intersection.

Ms. Braun stated that she had spoken with Owen MacDonald, the town's traffic engineer whom she reported did not have any concerns with the study.

Attorney Tocchio stated that Jeff Richards, the town's building director, had issued a 120-74 R parking sufficiency finding for the 133 spaces in the proposed development of 147 units. He reported that .9 is the approved ratio.

Mr. Denizkurt noted that on the stormwater report, the numbering on the table of contents is skewed; 1.10 through 1.14 does not match the report beginning on page 6. Mr. Crocker confirmed that the numbering in the report is skewed but the content is reflective of the application.

Mr. Denizkurt asked if there will be irrigation on site to maintain the landscaping. The applicant indicated that there will be irrigation. Mr. Schneider asked if a well could be installed for the irrigation source. Mr. Crocker reported that this can be done.

Ms. Chin referenced Sheet C2 and asked if the 26.3% maximum building structure will remain the same with additional square footage. Mr. Crocker stated that the proposed number is correct and the existing is 7.8%

Ms. Chin noted that on Sheet C3.2, borings seem to have dropped off the report; they need to be added to the final report. She also asked about sound dampening for the generator. Mr. Crocker stated that there will be a built-in, level 3 enclosure on the generator which is the highest acoustic property available.

There will be electric car charging stations on site.

Mr. Schneider noted that there is a bus stop in front of the property. The applicant will work with the town to grant an easement and install a bus shelter.

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

Joanne Harper, 1198 Washington Street, stated that she is in favor of this project. She asked if pets will be allowed, how long construction will take, and if there will be any

blasting. Mr. Tocchio reported that pets will be allowed, construction is expected to take 16-18 months, and no blasting is expected.

Bruce Cusick, 1300 Washington Street, stated that this project is needed and he believes that it will add to the town.

Mr. Moriarty asked about green spaces to walk pets. Mr. Tocchio stated that there is space along the walking path and also along the edges. Mr. Tocchio reported that on average, approximately 5% of residents have pets.

Ms. Snow-Eikelberg made a motion to close the public hearing on **Case #3480** and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for **Case #3480**.

#### **SPECIAL PERMIT**

1. The specific site is an appropriate location for such 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:

1. The Applicant shall operate the Project as an independent senior living facility in a manner consistent with the representations made within the submitted materials and at the hearings before the Board. A covenant agreement or other legal instrument, acceptable in form and substance to Town Counsel, that effectively restricts occupancy of the development as an independent senior living facility, shall be recorded at the Registry of Deeds, and shall be in perpetuity or for as long as the development is not in compliance with the Zoning Ordinance, but for this Special Permit.
2. The Inspector of Buildings based his parking determination on the specific use and business model proposed and as authorized under Section 120-74 (R). Any change in the use will require the reevaluation and approval of the Inspector of Buildings or the Board of Zoning Appeals as determined.
3. As determined by the Director of Planning and Community Development, any substantial deviation from the building materials represented to the Board and/or Director of Planning and Community Development will require approval by the Director.

4. Lighting and landscaping will be per the following plans submitted in conjunction with the application. Specifically, each will be per plans prepared by Longstone Gardens dated July 1, 2022 (Rev August 12, 2022).
5. Remaining comments from the Town of Weymouth Engineering/DPW dated 8/23/22 will be addressed to the satisfaction of said departments.
6. Project requires an Order of Conditions from the Weymouth Conservation Commission and will be subject to all conditions set forth by that Commission.
7. In an effort to mitigate potential traffic impacts generated by the project, the applicant agrees to fund improvements to the adjacent intersection of Pleasant and Mutton Lane as described in Item #5 of the Town's Complete Streets priority plan. Alternatively, the payment may be utilized to fund a feasibility and design study for a roundabout in this location. Applicant contributions to the Mutton and Pleasant intersection improvements to this and other areas deemed necessary shall not exceed \$75,000.
8. Applicant agrees to fund a bus shelter and provide any necessary easements.
9. Per plans, a minimum of nine (9) electric vehicle charging stations will be provided on-site.

The motion was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**New Business: NONE**

**Other Business**

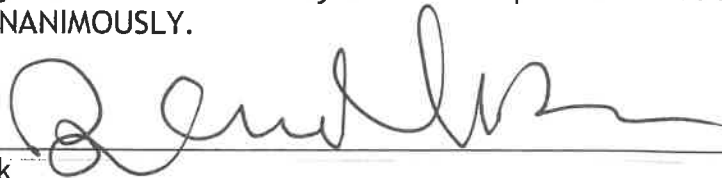
1. Minutes: NONE
2. Upcoming Meetings: September 7, 2022
3. ADJOURNMENT

Ms. Snow-Eikelberg made a motion to adjourn at 8:00 p.m. and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by:

~~Mr. Moriarty~~, Clerk

Mr. Diem



10.5.22  
Date