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

May 26, 2021, 7:00 p.m.

**VIRTUAL**

Cisco Webex Meetings

**Members Present:** Richard McLeod, Chairman  
Kemal Denizkurt  
Jonathan Moriarty  
Robert Christian  
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 #3448-** The petitioner, Cove Outdoor, LLC, for property located at 611 Pleasant Street also shown on Weymouth Town Atlas sheet 39, block 476, lot 8, located in the I-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

<b>Special Permit</b>	<b>120-40</b>	<b>extension or change by special permit</b>
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The subject property is the site of an existing non-conforming billboard. Petitioner seeks to lower the metal pole 20 feet and replace the current sign faces with light blocking technology.

Mr. Moriarty made a motion to open the public hearing on **Case #3448** 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.**

Mr. Christian recused himself from this hearing to avoid an appearance of conflict of interest.

Mr. McLeod informed the applicant that they would need all four members to vote in favor of this application for it to pass. The applicant has the right to request a continuance for a five-member board.

Ed O'Sullivan appeared before the Board on behalf of the applicant. He stated that the applicant is prepared to proceed with four members. Mr. O'Sullivan stated that

Pete McClary from Metro Visions, a consultant for Cove and Charles Ray, an attorney for Cove are also present this evening.

Mr. O'Sullivan stated that this is a request for approval of a special permit to allow Cove to lower the billboard located at 611 Pleasant Street by 20 feet and to change out the current billboard electronic faces to the modern light-blocking technology billboard faces. Mr. O'Sullivan briefly reviewed the history of the request.

Mr. McClary gave an overview of the light-blocking technology.

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

Gary MacDougall, 131 Southern Avenue, asked if this technology has been used in Massachusetts. Mr. McClary replied that this technology has not been used in Massachusetts. It has been used in other states and in Canada.

Mr. O'Sullivan reported that the light-blocking technology has been approved to be used in Massachusetts, but it is costly.

Mr. MacDougall asked if this permit is approved, will they look to put up another sign on the 0 Finnell Drive property. Mr. O'Sullivan reported that he does not know if the property owner is interested.

Mr. MacDougall asked about the moratorium on billboards passed by the Town Council.

The town's solicitor, Joe Callanan, stated that this moratorium has no bearing on the issuance of the billboard, as this permit will complete the remediation mentioned in the moratorium.

Amy Kabilian, 7 Kipling Road, reported that she abuts the billboard. She stated that she would like to see the billboard lowered and light blocked. She would like to see this request granted. Ms. Kabilian stated that she is one of three people who have represented her neighborhood throughout this process.

James Bradley, 69 Mandalay Road, stated that his home is in the transition zone. He stated that with the lowering of the billboard shouldn't the transition zone be wider.

Mr. McClary stated that with the lowering of the billboard and the tree canopy, the light will be reduced even though it may not be shown on the map.

Brian Christo, 51 Belmont Street, asked why 0 Finnell is part of this discussion. He pointed out that the original contract called for the billboard to come down for billboard relocation.

Ed Palmer, 93 Century Road, asked that the Board allow the remediation to continue.

Alyson Dossett, 56 Belmont Street, stated that Mr. McClary applied for a waiver in February 2019 for 0 Finnell. The billboard at 611 was not built until May 2019 but now it seems to be suggested that there is a need for Finnell for remediation. She continued that the applicant should need to apply for a special permit and variance. She pointed out that what happens at 611 Pleasant Street will affect 613 Pleasant Street and 0 Finnell Drive.

Attorney Callanan stated that the incorrect statute is being referenced; ordinance 120-39 is no longer valid.

David Mirabelli, 774 Front Street, stated that the billboard is not grandfathered under 120-40.

Attorney Callanan stated the town can't enforce the ordinance because of state law.

Mr. McLeod asked a question from the chat box which was "What would happen if the board were lowered and the light blocking technology is installed and the technology doesn't work?"

Attorney Callanan stated "We don't know." He pointed out that a lot of work has been done to remediate the light on the effected neighborhoods.

Mr. McLeod read another question from the chat which asked, "Why the BZA doesn't get an outside legal opinion." Mr. McLeod answered the question stating that the town has its own attorney for such legal opinions.

Tricia Pries, 15 Woodbine Road, asked if the billboard was already built when they went before Conservation.

Mr. McClary stated that they went to the Conservation Commission after the billboard went up. They were not required to before as it wasn't until there was a need to remove trees that a Conservation Commission hearing was needed.

Ms. Pries stated that this billboard is threatening fisheries and the local ecosystem, due process was not followed, and there has been a lot of misinformation. She asked that the board deny special permit and take the billboard down.

Attorney Callanan responded that there was no violation of due process as this project was outside of the Conservation Commission jurisdiction. He reported that the billboards on Route 3A will come down when their leases are up.

Jennifer Mirabelli, 774 Front Street, asked if the special permit is not given, what happens.

Mr. McLeod stated that if this permit is not granted, the billboard will stay as is.

Mr. Christos asked if Clear Channel was part of the initial contract.

Mr. Callanan stated that Clear Channel was part of negotiations but not the contract.

Peter Kiley, 40 Old Colony Drive, asked if there is some form of recourse if the remediation doesn't work; could something be put in place.

Mr. Callanan stated that there is an amendment in the contract that has money for additional mitigation as necessary in the future if needed.

Mr. Moriarty made a motion to close the public hearing and was seconded by Mr. Diem. The motion PASSED 4-0 on a roll call vote as follows:

Mr. McLeod - Yes	Mr. Denizkurt - Yes	Mr. Diem - Yes
Mr. Moriarty - Yes		

Mr. Moriarty made a motion to TAKE THIS MATTER UNDER ADVISEMENT until June 16, 2021, and was seconded by Mr. Denizkurt. The motion passed UNANIMOUSLY on a roll call vote as follows:

Mr. McLeod - Yes	Mr. Denizkurt - Yes	Mr. Diem - Yes
Mr. Moriarty - Yes		

2. **Case #2440 Request for Minor Modification** - The petitioner, Alder Partners LLC, for property located at 944 Middle Street also shown on Weymouth Town Atlas sheet 33, block 432, lot 1, located in the POP District. The petitioner is seeking to change the current business hours to be open and staffed twenty-four hours a day for five (5) days a week.

Mr. Moriarty made a motion to take this item out of order and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. McLeod reported that this case is not a public hearing. It is a request by the applicant for a minor modification and the Board is to determine if there should be a public hearing.

Mr. Moriarty stated that he believes that this is a substantial modification that needs to be heard in a public hearing.

Mr. Luongo pointed out that the town had sent out 160 letters to a wider range of residents but if this is changed to a public hearing, some residents will not be notified again as there will not be a wide canvas.

Mr. McLeod stated that the letters already submitted by abutters will be included as

exhibits during the public hearing.

Mr. Moriarty made a motion that this is NOT a minor modification and should be heard before the Board as a public hearing and was seconded by Mr. Denizkurt. The motion passed UNANIMOUSLY on a roll call vote as follows:

Mr. McLeod - Yes  
Mr. Moriarty - Yes

Mr. Denizkurt - Yes  
Mr. Christian - Yes

Mr. Diem - Yes

3. **Case #3446-** The petitioner, **Christopher & Stephanie Hamilton**, for property located at **33 Brook Terrace** also shown on Weymouth Town Atlas sheet 16, block 214, lot 16 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 subject property is a 5,378 SF parcel of land with a single family house with a garage attached with a breezeway. Petitioner seeks to demolish existing garage and breezeway and replace with a new 1.5 car garage and breezeway with a family room and deck above within the existing footprint.

Mr. Moriarty made a motion to open the public hearing on **Case #3446** and was seconded by Mr. Diem. **UNANIMOUSLY VOTED.**

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

Mr. Hamilton stated that they are seeking to demolish the existing garage and attached breezeway and replace with a 1.5 car garage and breezeway with a family room and deck.

Mr. Hamilton stated that they are not increasing the footprint just going a little higher and it will not increase the rear side yard setback. They are building over the existing footprint.

Mr. Schneider reported that there were no comments or concerns from any town departments.

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. Diem. **UNANIMOUSLY VOTED** on a roll call vote as follows:

Mr. McLeod - Yes  
Mr. Moriarty - Yes

Mr. Denizkurt - Yes  
Mr. Christian - Yes

Mr. Diem - Yes

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3446.

**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 on a roll call vote as follows:

Mr. McLeod - Yes  
Mr. Moriarty - Yes

Mr. Denizkurt - Yes  
Mr. Christian - Yes

Mr. Diem - Yes

4. **Case #3447-** The petitioner, Frank & Peggy Mullaney, for property located at 38 Driftway Road also shown on Weymouth Town Atlas sheet 3, block 2, lot 10, 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>	<b>120-40</b>	<b>extension or change by special permit</b>
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The subject property is a 5,062 SF parcel of land with a single family home. Petitioner seeks to remove the home and foundation and rebuild a slightly larger house providing off street parking for four vehicles and slightly extending into the side yard setback.

Mr. Diem made a motion to open the public hearing on Case #3447 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

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

Attorney Gregory Galvin appeared before the Board on behalf of the applicant and noted that Nicholas Paolucci is the architect. Mr. Galvin gave an overview of the request to the Board.

Mr. Diem asked if this is a raze and rebuild project. Mr. Mullaney stated that is correct.

Mr. Paolucci reviewed the open floor plan proposed for the rebuild.

Mr. Diem asked about the bump out on the side if this is where the current deck is located. Mr. Paolucci replied that it is where the deck is.

Mr. Denizkurt reported that he is not in favor of the additional encroachment.

Mr. Galvin pointed out that the house could be pushed back to gain the setback from the street.

Mr. Moriarty stated that he is concerned about the increase in the footprint and that the neighbors are not on board.

Mr. Schneider reported that this application will need a Notice of Intent and will need to go before the Conservation Commission.

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

Jim McGee, 37 Canacun Road, stated that he is concerned that originally, he was told that the house would only be one foot higher but now it is going to be 10 feet higher. He pointed out that this will interfere with his view.

Walter O'Donnell, 32 Driftway, stated that this proposal is a really dramatic change from the other houses in the area. He added that the pictures shown in the presentation are older. He also pointed out that someone was in the neighborhood taking pictures, but this person waved off his wife when she approached.

Mr. O'Donnell asked about excavation as there is ledge: how much digging and drilling will occur and how will this affect the water table? He added that there are already sink holes on the street.

Mr. O'Donnell pointed out that the 12-foot front porch impairs views, and the new building further encroaches on the house next door.

Linda Willse, 36 Driftway, noted that the overall height will be increased from 24 to 35 feet. She stated that this is not a slight change. She added that she has not only aesthetic concerns, but safety concerns because of the two additional feet for the deck. This will affect trucks and emergency vehicle access to the dead-end street.

Kevin O'Brien, 25 Cliff Street, reported that a number of families are affected by this project. He suggested that they pursue a compromise that will protect the rhythm of the neighborhood.

John Mutch, 20 Driftway, noted that the average height is 34 feet. He asked what the height from the street is.

Mr. Galvin reported that the building's height complies with the by-law. He added that the use of an average is how the town determines height.

Mr. Mutch stated that this proposal is too big.

Frances Araujo, 42 Driftway, expressed concern about the increased height, the deck being extended, and safety on their narrow street. She stated that she would like to see the character and style of the neighborhood preserved.

Mr. Galvin asked to continue this application to the next meeting in order to address concerns raised by the neighbors.

Mr. Moriarty made a motion to CONTINUE the request for a SPECIAL PERMIT for Case #3447 until June 16, 2021, and was seconded by Mr. Christian. UNANIMOUSLY VOTED on a roll call vote as follows:

Mr. McLeod - Yes  
Mr. Moriarty - Yes

Mr. Denizkurt - Yes  
Mr. Christian - Yes

Mr. Diem - Yes

5. **Case #3450-** The petitioner, Nick Beaujean, for property located at 16 Paomet Road also shown on Weymouth Town Atlas sheet 4, block 34, lot 26, 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
AND/OR		
Variance	Table 1	Dimensional requirements

The subject property is 3200 SF parcel of land with two single family dwellings located on the property. Petitioner seeks to convert the two legal single family residences into one duplex.

Mr. Moriarty made a motion to open the public hearing on **Case #3450** and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

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

Nick Beaujean appeared before the Board to request to convert two-single family, uninhabitable residences into one duplex. Mr. Beaujean reviewed the plan for the Board.

Mr. Moriarty asked how this proposal benefits the applicant.

Mr. Beaujean stated that in order to receive FHA financing, the rental unit is needed to meet the loan to value requirements. Also, he stated that they had planned on



living in one of the units and renovating the second, but the buildings are in such disrepair that it is not possible. He stated that the renovations required will create a safer structure and make it easier to maintain for public services and utilities

Mr. Christian asked about the need for a variance. Mr. Schneider reported that it actually does not need a variance.

Mr. Christian asked about further encroachment.

Mr. Beaujean explained the setback changes as follows:

Setback	Required	Existing	Proposed
Front yard	18 feet	15.3 feet	15.3 feet
Side yard	10 feet	3.4 feet	1.2 feet
Side yard	10 feet	10.4 feet	10.4 feet
Rear yard	10 feet	3.7 feet	2.9 feet

Mr. Beaujean reported that the front of the house is not parallel to the street.

Mr. Beaujean reported that he spoke with his rear neighbor. They were supportive of the proposal. He added that there is a retaining wall with a 45 degree slope. He stated that he also spoke with the neighbor on the southerly side of his property where the encroachment would occur. He reported that they were supportive of the plan. The area along that side property line is currently used as a garden.

Mr. McLeod pointed out that the further encroachment on the side is to keep in line with the existing structure and the proposed unit.

Mr. Beaujean stated that this is not a complete teardown. The existing structure in the front is being extended. This is why the proposed addition goes back on an angle.

Mr. Diem suggested having the architect look at shifting the addition toward the northerly lot line.

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

Mr. Moriarty made a motion to CONTINUE the request for a SPECIAL PERMIT for Case #3450 to June 16, 2021, and was seconded by Mr. Christian. UNANIMOUSLY VOTED on a roll call vote as follows:

Mr. McLeod - Yes  
Mr. Moriarty - Yes

Mr. Denizkurt - Yes  
Mr. Christian - Yes

Mr. Diem - Yes

6. Case #3451- The petitioner, Mike Ahern, for property located at 665 Broad

Street also shown on Weymouth Town Atlas sheet 22, block 299, lot 1, located in the R-1 and B-2 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

The subject property contains a two-unit dwelling with a combined nine (9) bedrooms located on the property. Petitioner seeks to convert the existing structure into five (5) units with required parking.

Mr. Moriarty made a motion to open the public hearing on **Case #3451** and was seconded by Mr. Diem. **UNANIMOUSLY VOTED.**

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

Mike Ahern appeared before the Board. He reported that he is looking to convert the existing structure into four units. He noted that the original application requested five units, but he has decided to reduce it to four to maintain the Floor/Area Ratio (FAR) and parking requirements.

Mr. Schneider stated that legally this is a single-family home but there is evidence that it is currently being used as a four-family home. He added that all of the work will be done on the interior of the building. This would be a multi-family in a B-2 zoning district which requires a special permit.

Mr. Ahern reached out to abutters who had requested that the fifth unit in the basement be removed which he agreed to do. He added that the property was marketed as a two-family but there is no evidence that this was done with a permit.

Mr. Schneider stated that multi-family use in a B-2 is permitted with an F.A.R. of .3 and two-parking spaces per unit.

Mr. Ahern stated that Ken Ryder is building a multi-unit building across the street and there are multi-unit buildings surrounding the referenced property.

Mr. Ahern stated that all of the utilities will be updated. The number of parking spaces will be reduced from ten to eight as there will only be four units.

Mr. Diem asked about the size of each of the units. Mr. Ahern reported that they range from 400 SF to 1100 SF.

Mr. Ahern stated that there will be some exterior renovations including replacing windows, painting trim, and replacing garage doors.

Mr. Ahern stated that there will be no affordable units.

Mr. Ahern stated that the building already has vinyl siding which he believes was installed in 1994. He reported that he plans to use a paint system for vinyl that will last 20 years. Mr. Ahern indicated that he is concerned about what type of materials may be underneath the vinyl siding.

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 on a roll call vote as follows:

Mr. McLeod - Yes  
Mr. Moriarty - Yes

Mr. Denizkurt - Yes  
Mr. Christian - Yes

Mr. Diem - Yes

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3451.

#### **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:

- The applicant will submit a landscape plan.
- The applicant will maintain and repaint the vinyl siding no less than every 15 years.

The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED on a roll call vote as follows:

Mr. McLeod - Yes  
Mr. Moriarty - Yes

Mr. Denizkurt - Yes  
Mr. Christian - Yes

Mr. Diem - Yes

#### **Other Business**

##### **Minutes: 3/24/2021**

Mr. Moriarty made a motion to APPROVE the minutes from 3/24/2021 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

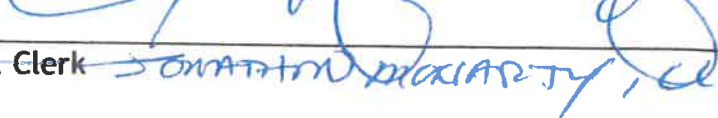
**Upcoming Meetings:** June 16, 2021

**ADJOURNMENT**

Mr. Moriarty made a motion to adjourn at 10:55 p.m. and was seconded by Mr. Denizkurt. VOTED UNANIMOUSLY.

Approved by:

~~Mr. Denizkurt, Clerk~~

  
~~JONATHAN MORIARTY, CLERK~~

8/11/2021  
Date