

RECEIVED
TOWN OF WEYMOUTH
CLERK'S OFFICE

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

August 25, 2021, 7:00 p.m.
182 Green Street, Weymouth, MA 02191

2021 OCT -7 AM 10:30

Members Present: Richard McLeod, Chairman
Kemal Denizkurt, Vice-Chairman
Jonathan Moriarty, Clerk
Brandon Diem
Carsten Snow-Eikelberg

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 7:15 p.m. 182 Green Street, Weymouth, MA 02191 and explained the procedures that would be followed to the people present.

Old Business:

1. **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	120-63	Planned Unit Development
Variance		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 (PUD). Petitioner seeks to construct eight single-family homes under the PUD provision.

The petitioner has requested a continuance to October 27, 2021.

Mr. Moriarty made a motion to CONTINUE the request for a SPECIAL PERMIT for **CASE #3445** until October 27, 2021, and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

2. **Case #3449-** The petitioner, **Justin Ryder**, for property located at **734 Pleasant St.** also shown on Weymouth Town Atlas sheet 35, block 444, lot 36, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance	Table 1	Dimensional requirements minimum lot size; rear yard set back
-----------------	----------------	--

The subject property was part of a 3-lot subdivision with each lot having a minimum of 25,000 sf. Petitioner seeks to subdivide the land contested in land court leaving the lot with a partially constructed home with 21, 942 sf and a contested lot of approximately 3,065 sf.

The petitioner has requested a continuance to September 8, 2021.

Mr. Moriarty made a motion to CONTINUE the request for a SPECIAL PERMIT for **CASE #3449** until September 8, 2021, and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

3. Case #3456- The petitioner, **SRH Broad LLC**, for property located at **125 Broad Street** also shown on Weymouth Town Atlas sheet 20, block 274, lots 16 & 10, located in the R-4 and R-1 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
Variance	120-74 C	minimum require parking spaces

The subject property is the former 210-bed Colonial Nursing Home comprised of two parcels consisting of 2.34 acres. Petitioner seeks to renovate the interior into 80 studio/one bedroom units, refurbish the exterior, and improve site to add and improve both onsite parking (120 spaces) and circulation.

Mr. McLeod informed the applicant that although he was not present at previous meetings, as allowed by the Mullin Rule, he watched the presentation and listened to public comments.

Attorney Jeff Tocchio introduced the team present this evening. He stated that they have worked on the list of follow up items from the previous meeting. He stated that the following people were also in attendance:

- Greg Glickstein
- Dave Newall
- Scott Golding
- Dave Crocker, Crocker Design Group

Mr. Tocchio and his team reviewed the updated plan which included a snow removal plan and the addition of a staircase for a front door to Broad Street. He added that the units will be rearranged which could reduce the units to 79 units but the request remains for 80 units.

Mr. Tocchio stated that there are no rights to pass between the 125 and 126 Broad Street properties.

Ms. Snow-Eikelberg asked if the front stairs will be Americans with Disabilities Act (ADA) accessible. Mr. Tocchio replied that the stairs will comply with the Town's building code. He added that the access on west side of building will be ADA compliant.

Councilor Maureen Kiely, 10 Vine Street, asked about the gated access to Vine Street.

Mr. Tocchio reported that the driveway is currently 24 feet wide and will be reduced to 20 feet wide. He noted that they will provide more screening to block headlights. He noted that it will be a standard gate that has wider bands, but will not be opaque but a barn-type gate.

Brianna Gray, 81 Vine Street, stated that she is disappointed by the new plan's lack of additional screening. She is concerned that the existing trees will be removed. Ms. Grey presented photos to the applicant and the board. She pointed out that there are three lights on the 87 Vine Street lot. She asked that the applicant keep in mind this is a residential neighborhood.

Mr. Crocker stated that they do not intend to remove mature vegetation.

Deputy Fire Chief Justin Myers stated that the access is requested by the fire department.

Ray Mazzio, 84 Vine Street, asked about the access point across from his property.

Deputy Chief Myers reported that Vine Street is the primary access for the fire equipment but there is a need for a second access.

Mr. Tocchio stated that the light report shows that there will be no light spill to Ms. Grey's property.

Councilor Kiely asked that the lighting is appropriate and not spill on neighboring properties. She also asked for better trash management on the property.

Mr. Tocchio stated that when this is an active property, the trash problem should no longer be a problem. While currently unoccupied, it has been neglected.

Councilor Kiely stated that she wants to establish good communication with the ownership.

Councilor Kiely commented on the Broad Street entrance and suggested that "no parking" signs be put up. She also recommended that Vine street be made a one-way street from Broad Street to Washington Street.

Ms. Gray asked about egress through 109 Broad Street instead of the second fire gate

through 87 Vine Street.

Deputy Chief Myers responded that with a new application, the property must meet code which requires that any necessary egress be within that property's control.

Mr. Moriarty made a motion to CLOSE the public hearing for **Case #3456** and was seconded by Ms. Snow-Eikelberg. Motion PASSED UNANIMOUSLY.

Mr. Moriarty made a motion to **APPROVE** the request for a SPECIAL PERMIT for **Case #3456**.

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 trees along the Vine Street property line will remain for screening.
- An opaque gate will be stalled on the Vine Street egress.
- A 6-foot stockade/opaque fence will be installed on the driveway to Vine Street that abuts the adjacent apartment building.

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

VARIANCE

Mr. Moriarty made a motion to APPROVE this application for a parking variance for **Case #3456** from the 160 required to the 122 being provided with electric charging stations because the applicant has prior use conversion to residential use, and has shown a hardship due to the soil conditions, topography, shape of the lot, land, and/or structures direct abutting the overlay district. 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 following conditions will apply:

- The trees along the Vine Street property line will remain for screening.
- An opaque gate will be stalled on the Vine Street egress.
- A 6-foot stockade/opaque fence will be installed on the driveway to Vine Street that abuts the adjacent apartment building.

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

4. Case #3457- The petitioner, **Charles Parnell/ Calpine Fore River Energy Center, LLC**, for property located at **9 Bridge Street** also shown on Weymouth Town

Atlas sheet 6, block 64, lot 1, located in the I-2 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit

120-37A

special permitted uses

The subject properties consist of a 57-acre parcel with a combined cycle electric power plant. Petitioner seeks to install a Lithium Ion Battery Storage System to store electric energy being charged during non-peak demand periods and provide clean electric energy during seasonal peak demand periods.

Mr. McLeod informed the applicant that although he was not present at previous meetings, as allowed by the Mullin Rule, he watched the presentation and listened to public comments.

Richard Novak and Charles Parnell appeared before the Board. Mr. Novak stated that Deputy Fire Chief Justin Myers was present to answer questions for the Board and/or the public.

Mr Parnell reviewed the request which is for an energy storage system. He noted that the exact design has yet to be decided. The sound from the system will be from the air conditioning units on the storage containers. He added that the plan is for this to be built in 2024. He added that coming before the Board of Zoning Appeals is the first step

Mr. Novak stated that the control systems are encompassing and there are indicators the monitor for increased temperature and/or a change in voltage. He continued that the units are separated by fire retardant walls so that if there was a fire it would not spread to another unit.

Deputy Chief Justin Meyers stated that he is aware of the project and has discussed it with the applicant. They have answered questions directly. He added that he reviews any new risk. He pointed out that these batteries are the same type that are being put in homes along with solar panels.

Mr. McLeod asked if there is some access that fire department has to shut off the system.

Mr. Novak stated that each container is monitored by intelligent systems. He added that there is a fire suppression system. He noted that this technology is changing and improving.

Mr. Denizkurt asked if the fire department is equipped to handle a fire at this location.

Deputy Chief Myers responded that they are prepared. There is a water supply system which is designed so that the department could fight a fire within the plant. He noted

that they would be able to access the same water supply to fight a fire in the containers.

Deputy Chief Myers stated that this type of fire requires a certain approach. He noted that there is no life-safety hazard within the units. It is about controlling a fire using copious amounts of water. He added that he would like to see training in the future as well as appropriate resources.

Mr. Moriarty asked what is the distance between diesel storage and these containers.

The distance is about 80 feet and the fire department is comfortable with this distance.

Mr. Diem asked that if the fire is allowed to burn, what is the risk and who is at risk in regards to air monitoring and air quality.

Deputy Chief Myers stated that fires in general create hazardous gases that are released. He stated that the objective is to make the situation as safe as possible by taking into account such things as the wind, etc. He stated that water run-off could be contaminated with lithium but he indicated that the site run off is well-contained and there is a retention pond on site. The containers are much smaller than what already exists on the site. These batteries do not present a greater risk than already exists. It is an additional risk.

Alice Arena, 6 Blueberry Street, stated that this is still new technology. She expressed concern that there is no oversight and other state/federal agencies are not involved in the siting of this lithium battery array. She asked if there could be a berm around the array.

Deputy Chief stated that there are standards for the spacing for the system and if it is done properly, the risk is less. He stated that the water run-off is not something the fire department manages.

Ms. Arena pointed out that South Korea has stopped the siting of lithium battery arrays because of many fires. She added that the smoke from lithium batteries is deadly.

Mr. Denizkurt asked if screening would be a hinderance for fire department. Deputy Chief stated that they would like input if something was going to be put in.

Mr. McLeod stated that they are limited in location because of restrictions in the waterfront.

Ms. Snow-Eikelberg asked about the life-expectancy of the batteries.

Mr. Novak reported that it is about 20 years. However, he noted that they won't need to be replaced all at once. Degradation happens so they will strategically replace them.

Francis Burke, 93 Bluff Road, stated that if there are 20 units then there will be 20 air conditioning units. He stated that the ambient noise level may increase. He questioned if the noise will remain under 10db of ambient

Mr. Burke asked the Board to not approve this application because it greatly affects the quality of life of the abutting neighborhood.

Ms. Arena asked if the noise study has been submitted. Mr. Novak stated that it has been submitted.

Mr. Novak stated that the energy stored at the site does not have a direct connection to the plant. The array could be charged with energy from other locations

Councilor Burga stated that at the previous meeting she had asked a number of questions that have been answered this evening. She suggested that there be some sound mitigation/wall. She added that the best interest of neighbors is important as they have valid concerns

Cathy Swain, 134 Mill street, asked if there is a fire, where does the water go. Mr. Novak reported that the water goes into a containment system which is designed for the large plant on the property, so there is capacity for the run-off. He noted that, if necessary, there may need to be fire cleanup and/or soil remediation.

Mr. Moriarty made a motion to CLOSE the public hearing for **Case #3457** and was seconded by Ms. Snow-Eikelberg. Motion PASSED UNANIMOUSLY.

Mr. Denizkurt asked if the applicant would be willing to be a good neighbor and put up visual/acoustical screening. Mr. Novak replied that they could consider additional aborvites. It was noted that the Air Monitoring Station located between the property and the neighborhood may hinder this.

Mr. Moriarty made a motion to TAKE UNDER ADVISEMENT **Case #3457**, request for a SPECIAL PERMIT, until September 8, 2021 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Other Business

1. Minutes: 7/14/2021

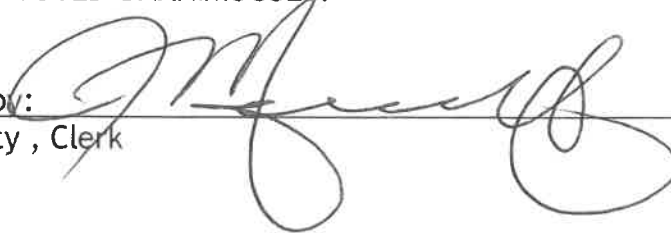
Mr. Moriarty made a motion to approve the minutes from 7/14/2021 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

2. **Upcoming Meetings:** September 8, 2021

3. **ADJOURNMENT**

Mr. Moriarty made a motion to adjourn at 9:00 p.m. and was seconded by Mr. Denizkurt. VOTED UNANIMOUSLY.

Approved by:
Mr. Moriarty, Clerk

A large, stylized handwritten signature in black ink, likely belonging to Mr. Moriarty, written over a horizontal line.

10/6/2021
Date