

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

Wednesday, September 8, 2021 - 7:00 p.m.

McCulloch Building - Mary McElroy Room

182 Green Street, Weymouth, MA 02191

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
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: Eric Schneider, Principal Planner
Janet P. Murray, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. 182 Green Street, Weymouth, MA 02191 and explained the procedures that would be followed to the people present.

Old Business:

1. **Case #3449 CONTINUED to 10/6/21-** 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
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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.

Mr. Moriarty made a motion to CONTINUE the public hearing for **Case #3449** until October 6, 2021 and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

2. **Case #3457- CONTINUED 10/27/21** The petitioner, **Charles Parnell/ Calpine Fore River Energy Center, LLC**, for property located at **9 Bridge St.** 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
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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. Richard Novak appeared before the Board. He stated that the applicant would like a continuance until October 27, 2021.

Mr. Schneider reported that the applicant has agreed to hire an outside consultant to perform a risk assessment and determine any fire department needs for the safety of the location.

Mr. McLeod stated that if the public hearing needs to be re-opened, a new publication will be required.

Mr. Moriarty made a motion to CONTINUE THE DECISION on **Case #3457** until October 27, 2021 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

3. Case #3458- The petitioner, **Robert Petrucci**, for property located at **16 Jay Rd.** also shown on Weymouth Town Atlas sheet 44, block 507, lot 40, 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	front yard setback
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The subject properties consist of a 15,011 sf parcel with an existing single family dwelling. Petitioner seeks to construct a garage within the front yard setback.

The applicant has failed to appear before the Board on those continued dates to present any further information. Mr. Schneider reported that he believes the applicant is working to complete this project within town regulations and recommended that the case be dismissed without prejudice.

Mr. Moriarty made a motion to DISMISS WITHOUT PREJUDICE **Case #3458** and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

New Business:

1. Case #3459- The petitioner, **Lester R. Fulton & Sons**, for property located at **81R Hawthorne Road** also shown on Weymouth Town Atlas sheet 23, block 316, lot 2, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-40 extension or change by special permit
Variance	120-56 Frontage width

The subject parcel is 2.4 acres with 30.1 ft. of frontage and an existing 2900 sf commercial building. Petitioner seeks to extend the non-conforming use by adding a residential use, a single family home, and maintaining the carpentry shop as an

auxiliary use.

Mr. Moriarty made a motion to open the public hearing on **Case #3459** and was seconded by Mr. 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.

Attorney Ray Jennings appeared before the Board on behalf of the applicant. He stated that there was a hearing in 2019 and this application was approved in July 2019. He continued that the applicant had not pulled the building permit within the time permitted. He reported that the request is the same as the previously approved application and requests no further relief.

Mr. Jennings stated that the property is under agreement with Oak Development in Hingham, MA. They are a high-end remodeling and custom carpentry company. Mr. Jennings reported that Mr. Antonik, CEO of Oak Development has agreed to the following conditions.

- Two (2) employees on a daily basis with possibly as many as four (4)
- Business office will remain in Hingham
- No heavy equipment on site
- Hours of operation same as previously approved
- Location of dumpster will remain the same
- No outdoor storage
- Carpentry work done inside
- Doors to remain closed
- No overnight storage of over-sized vehicles

Mr. McLeod asked if the lot, shape of the lot, wetlands and the vernal pool still exist. Mr. Jennings reported that the existing conditions have not changed since the previous application was approved.

Mr. Jennings stated that is a 2.4 acre lot that exists in the middle of a residential neighborhood.

Mr. McLeod stated that prior to a building permit being issued, he would like to see a plan for the dumpster location and how it will be enclosed. Mr. Jennings agreed.

Mr. Denizkurt asked about the siting of the residential house and if it conforms to town regulations. Mr. Jennings reported that he had submitted a plan with the approximate location of the home. He stated that the applicant is not seeking any relief for the home.

Mr. Denizkurt asked if this is a small-scale business operation. Their intention is to use the location as a cabinetry fabricating facility with storage. They are not proposing to split the size of the lot.

Mr. Schneider reported that the biggest concern was that the potential buyer was aware of and willing to abide by the existing conditions on this application.

Mr. McCleod 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. Denizkurt made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3459.

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 (which are the same as the June 26, 2019 conditions):

- No increased noise levels,
- Hours of operation will be 7:30am to 4pm (consistent with Zoning Ordinance), Monday thru Friday
- No trucks, construction, or refuse vehicles,
- No outside, overnight storage of large, oversized commercial vehicles,
- Use consistent with present use, any escalation in use will require a public hearing,
- No outside storage of materials,
- No outdoor cutting or nailing,
- No outside dumpster; If a dumpster is required, the applicant will submit a plan with location and screening with the Planning Department,
- A potential vernal pool is located on the property. Applicant must file a Notice of Intent with Weymouth Conservation Commission before any site work is done or building permits are issued.

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

VARIANCE

Mr. Denizkurt made a motion to APPROVE this application for a variance on **Case #3459** due to the soil conditions, shape and topography of the lot. 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 Mr. Moriarty. UNANIMOUSLY VOTED.

2. **Case #3460-** The petitioner, **Georges Kairouz**, for property located at **4 Hollis Street** also shown on Weymouth Town Atlas sheet 49, block 552, lot 6, located in the B-2 & 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
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The subject properties consist of a 13,500 SF parcel with a gas station consisting of two gas pumps and a structure with three service bays and an office. Petitioner seeks to add an additional service bay.

Mr. Moriarty made a motion to open the public hearing on **Case #3460** 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. Kairouz, owner of South Shore Auto Repair, appeared before the Board. He stated that he is looking to add a fourth bay on the right side where the dumpster is currently located. He stated that the purpose is that they have a lot of heavy duty trucks that do not fit in the building as is.

Mr. Denizkurt asked if the proposed addition will encroach on rear or side yard setbacks. Mr. Kairouz stated that the addition will not further encroach on the setbacks.

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

Mr. Bill Looney, 101 Pond Street, Unit B, stated that there has not been any issues with the gas station about noise. He asked about what the end result of the building will look like and how it will impact the corner. He also asked about the land between the properties that rises up. Will the addition be higher and how will digging impact the land between properties.

Mr. Kairouz reported that there is a stone wall between his property and Mr. Looney's property. He also pointed out that the digging will be on the other side of the property, not next to Mr. Looney's property. He indicated that he has an engineer as he is not doing the work himself.

Mr. Schneider questioned the applicant about installing a white vinyl fence around the property. Mr. Kairouz reported that there is an existing fence in the back. He added that he has already planted 5-foot trees between his property and the property to the side.

Mr. Moriarty stated that he owns property two lots down from the gas station. He added that the gas station is well run. He noted that he is concerned about the traffic on that lot. It is often used as a cut-through especially when a train is passing. He asked what effort the applicant could make to mitigate this situation to control/prevent this cut-through traffic.

Mr. Kairouz stated that he could put a car in front of the office to make it difficult to cut-through but he added that it is not possible to completely block it.

Mr. Kairouz stated that he intends to add one additional employee. He added that there are three employees for his business and he has a total of 10 parking spaces on the property. He continued that Alvin Hollis, across the street, has allowed him to use two of their parking spaces.

Mr. Schneider reported that in terms of any risk of additional runoff from the proposal and as part of the building permit process, the applicant will have to apply for a foundation and sill permit. This will be reviewed by the Department of Public Works (DPW).

Mr. Moriarty suggested that the applicant install a small sign about the cut-through traffic. He stated that he did not think that this needed to be a condition.

Mr. Schneider recommended that the applicant send him an e-mail as the town traffic engineer can assist with common language for the sign.

Mr. Denizkurt made a motion to close the public hearing and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Denizkurt made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3460.

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:

- Fencing and plantings will be reviewed by the Building Department.
- Dumpster will be screened.
- Mansard roof, option #1, will be used and will be continued along the side.

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

Other Business

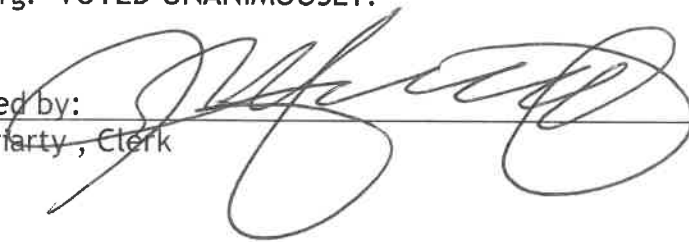
1. Minutes: NONE

2. Upcoming Meetings: October 8, 2021

3. ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 7:45 p.m. and was seconded by Ms. Snow-Eikelberg. VOTED UNANIMOUSLY.

Approved by:
Mr. Moriarty, Clerk



10/6/2021
Date