

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
March 8, 2023 - 7:00 p.m.
Weymouth High School - Humanities Center
1 Wildcat Way, Weymouth, MA 02190

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2023 APR -7 AM 10:17

Members Present: Kemal Denizkurt, Chairperson
Jonathan Moriarty, Vice-Chairperson
Brandon Diem, Clerk
Carsten Snow-Eikelberg
Nicole Chin
Jon Lynch, Alternate

Also Present: Robert Luongo, Director of Planning
Eric Schneider, Principal Planner

Recording Secretary Janet P. Murray

Chairperson, Kemal Denizkurt, called the Board of Zoning Appeals meeting to order at 7:00 p.m. in the Weymouth High School - Humanities Center 1 Wildcat Way, Weymouth, MA 02190 and explained the procedures that would be followed to the people present.

Old Business:

Present: Kemal Denizkurt, Chairperson
Jonathan Moriarty, Vice-Chairperson
Brandon Diem, Clerk
Nicole Chin

Not Present: Jon Lynch, Alternate

1. **Case #3495** -The petitioner, Keith & Keerstin Lohnes, for property located at 68 Gilmore Street also shown on Weymouth Town Atlas sheet 10, block 81, lot 15, located in the R-1 District. The petitioner is seeking to:

Special Permit 120-40 extension or change by special permit

The subject property is a 3,467 sf parcel of land with a single-family home. Petitioner seeks to add a 12' x 26' front farmer's porch.

Mr. Moriarty made a motion to re-open the public hearing on **Case #3495** which was seconded by Mr. Diem. **UNANIMOUSLY VOTED.**

Mr. Denizkurt noted that there are only four members sitting on this case. He noted that the applicants were aware of this previously and opted to go forward with four members.

The applicants appeared before the Board along with their architect, Paulette O'Connell of OCO Architecture. Ms. Lohnes stated that they had submitted the architectural drawings and plans as well as letters of support from four of the neighbors, who own all the abutting residences on either side and behind their property.

Ms. Lohnes stated that they are looking to build an 11' x 26' porch with an additional foot for steps. This would be a total of 12' x 26' and it will be covered with a roof.

Mr. Schneider reported that this is a 120-40 extension of a non-conforming so the front setback is currently non-conforming and this will increase that non-conformity. He added that there were questions from the previous meeting that are addressed in the updated plans.

Ms. O'Connell stated that the plan is to step down to the porch from the front door. Currently, there is a roof for the balcony that is going to be covered with a sloped roof. The doors to the existing balcony will be replaced with windows.

Mr. Denizkurt questioned what the closest point of the porch will be to the property line.

Ms. O'Connell reported that it will be three feet. She continued that there was concern about the retaining wall and the stairs to the street. It was discovered that they are on town-owned land and not on the applicant's property. The steps to the street will remain as is. Ms. Lohnes stated that she had spoken with her four abutting neighbors who all support this plan.

Mr. Moriarty asked about the steps being on town property. He is concerned about the steps being so close to the street.

Ms. Lohnes stated that the land in front of the house was a gravel easement. The people who owned the house previously allowed the town to do a taking. The town then paved the street so that was an existing structure there prior to the paring. The wall existed prior to the town paving the road. The fence is 7.75 feet from the street.

Mr. Denizkurt asked if the town had any comments regarding the application. Mr. Schneider stated that the town did not have any.

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

The four letters from the neighbors in favor of the project were marked Exhibit A.

Mr. Moriarty made a motion to close the public hearing on **Case #3495** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3495.

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 no potential for nuisance or serious hazards 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 by the proposal.

The following conditions will apply:

- Porch once installed will not be screened in or otherwise covered.
- Second floor roof of the porch will not be enclosed or used as a porch.

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

Present: Kemal Denizkurt, Chairperson
Jonathan Moriarty, Vice-Chairperson
Brandon Diem, Clerk
Nicole Chin
Jon Lynch, Alternate

2. **Case #3493** -The petitioner, Michael Grehan., for property located at 158 Park Ave. West also shown on Weymouth Town Atlas sheet 44, block 512, lot 1, located in the B-2 & Watershed Protection Districts. The petitioner is seeking to:

Special Permit	120-27 C	Special Permit Uses by Zoning Board of Appeals- Multiple Dwelling
Special Permit	120-38	Floodplain Special Permit

The subject property is a 33,106 sf parcel of vacant land. Petitioner seeks to construct 12 two-story townhouse-style dwelling units in three buildings.

Mr. Moriarty made a motion to re-open the public hearing on **Case #3493** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Mr. Denizkurt stated that the board has received a number of letters on this application. Based on the number, I will read who sent them, their address, what their concerns are, and whether they supported the project.

- Josephine Tanner of 169 Park Ave West is in support of the project.
- Tracy and Joe Nardone of 139 Park Ave West are in support of the project.
- Barbara Freeman of 236 Colombian Street has major concerns with the project as proposed.
- Christine Richardson 147 Park Ave West expressed concerns regarding the project.

- Mary Beth Benard of 19 Sergeant Street has concerns about the project.
- Lucinda Rich, no address provided, has concerns about the project.
- A flyer was received that was apparently placed on neighbors' doors stating that there was a meeting tonight and they were encouraging those who are against the proposal to come out and speak about being against the proposal.

There is also a letter from James McGrath, assistant town engineer, asking for proposed grades and drainage calculations be included on the submissions.

George Clemens, project manager, stated that he can address the modifications to the plan as suggested by Mr. Luongo at the January 25, 2023, meeting to get the project down to the recommended nine units. As part of that process, the layout was redesigned.

Pat Fisher, the architect for this project, stated that she is also a resident in this neighborhood. She introduced Sean Hardy of Hardy & Mann Civil Engineers and the client is Mike Grehan, a local multifamily building owner in the South Shore area.

Ms. Fisher reported that she has been involved with this project since 2016 when a developer proposed 40 dwelling units, and the neighborhood successfully fought that proposal. Mr. Clemens and Mr. Graham got involved at that time, proposing a 15 unit apartment building. After numerous neighborhood meetings, it was decided that an apartment building was not the right use and that the neighborhood would like to see townhouses. Since about 2018, the applicant has proposed townhouses for this property. The number of units has gone from 15 units to 12 units to 10 units and now nine units.

Personally, and professionally, Ms. Fisher stated that she thinks this is the right number for the site. The parking and unit size is generous. The buildings will frame the site properly. There is open space. She pointed out that this site is zoned for business. It could be almost any commercial use which is going to have more traffic trips than these nine residences will generate. There would be many more deliveries than the UPS packages these residents could ever get.

Ms. Fisher stated that they are proposing nine two-floor townhouses which are grouped together in three buildings with three units in each building. Six are 1000 square foot units, three of them are 900 square foot units. The floor area ratio for this lot is .3, which is 30% of the lot.

Ms. Fisher stated that a planting strip has been added in front of these units to soften the edge in addition to all the other open green area. She continued that the three-unit building that was on the Columbian Street side of the property has been moved to the Park Ave West Side. There will be front doors and steps down to the sidewalk on Park Ave West. This will start to frame this section of road as a neighborhood.

Ms. Fisher stated that there will be the required two parking spaces per unit as well as eight visitors' spots.

Ms. Fisher reviewed the landscaping plan and site lighting. She noted that the family of Tom Tanner has requested that the memorial stone remain on town property.

Ms. Fisher reviewed the concerns regarding the intersection of Park Ave West and Columbian Street.

Mr. Hardy addressed site concerns which include a flagged wetland, and the Mill River. He noted that a portion of the site is within the riverfront and there is a flood zone. In addition, he pointed out that there is an area with an Activity Use Limitation (AUL) from a prior-use petroleum leak.

Mr. Hardy acknowledged that DPW sent comments that the site is subject to the stormwater management policy, and to a wetlands Notice of Intent filing. He stated that the Wetlands Protection Act is worded such that the applicant must start getting other permits first. He stated that they have not made a filing yet but have had a few informal meetings. He added that this will be considered a redevelopment project.

Mr. Hardy stated that they are proposing water and sewer to come in from Columbian Street per comments from a previous DPW version. He noted that they have not revised the stormwater because there has been a number of iterations regarding the layout. They wanted to know the number of units first.

Mr. Hardy stated that there was a question from conservation about infiltration and the AUL. The health and conservation agent requested an opinion from an LSP of whether this would be detrimental or whether this would be an allowed use because the AUL did not specifically mentioned drainage but did say there could have residential as long as there is slab on grade with a vapor barrier.

Mr. Hardy continued that a letter from Green Environmental indicates that this use is allowed on this site and they looked through the release tracking numbers and went through all the numbers and concentrations of the pollutants that were there. Green outlines the remediation activities on this site in the letter.

Mr. Denizkurt asked if new architectural drawings for the buildings themselves had been submitted. He noted that last time the plans for the building's sides had no windows and those face the street. He added that it is harder to determine what the façade is going to look like.

Ms. Fisher stated that this is the design from when the plan was for 12 units; it has not yet been redesigned. She stated that they brought an example to show the sort of design the client builds.

Mr. Denizkurt asked if the AUL precludes snow from being stored on that section of the lot.

Mr. Hardy stated that no, the AUL really doesn't preclude much of any uses on there as long as it's above grade.

Mr. Denizkurt asked, "if you were to plow snow into that section, and there's no catch basins there because you're not able to disturb that area, then you're not retaining that water on site as it melts, correct?"

Mr. Hardy stated that when snow falls on the site now, it would be a similar situation. If we plow it and leave it on the pavement, which is what the operation and maintenance plan through Department of Environmental Protection (DEP) requires, as it melts, it will go across the pavement and into infiltration. This is not going to be any different than a rainstorm or any other storm event that happens.

Mr. Denizkurt asked about the building that was moved over to Park Ave West side of the property and if the front doors are going to face the street.

Ms. Fisher stated that there will be both front and back doors with the front door and front steps addressing Park Ave West. The steps will go down to the sidewalk so it will look like three townhouses on Park Ave West addressing the street; there will be back doors for access from the parking lot into the units.

Ms. Chin stated that she is trying to understand the context around the building that is closest to Park Ave West. She stated that she would like to see 3D view for some type of perspective. She noted that the building that is closest to Park Ave West is bordered on all sides by parking and she would like to understand what that relationship is to the street and what that looks like. In addition, she stated that she would like to see an elevation for the parking spaces closest to the building as these spaces are very close to the building.

Ms. Fisher stated that she believes that the plans meet the requirements for widths of drive aisles and the size of the parking spaces. She added that once the construction documents are completed, there will be tweaking of these sorts of things. She noted that there is plenty of space to make these parking spaces work.

Mr. Hardy stated that any parking space generally backs into the drive aisle in a parking lot. He added that there is 24 feet available behind the spaces to give plenty of maneuvering room.

Ms. Chin asked if the stone at the base surrounding all of the buildings is an applied system.

Mr. Clemens stated that it is a natural thin stone product that gets concrete applied to the foundation so that it does not give the appearance of a foundation. It beautifies the foundation.

Mr. Luongo asked if there will be sidewalks in front of the two three-unit buildings.

Ms. Fisher stated that is correct. She pointed out that there will be a five-foot planting strip and a five-foot sidewalk. She added that there will be an overhang for a covered entrance. She also stated that there will be no vinyl siding.

Mr. Moriarty stated that it is difficult to imagine this project without the actual plans.

There was discussion regarding trees, shrubs, and other planning as well as line of sight and the intersection.

Ms. Fisher stated that that the sitting grove, which is on private property, will be replanted and maintained. She added that the town owned land will be planted and maintained but not to the same degrees as the private land.

Mr. Moriarty asked if the three units facing Park Ave West will have Park Ave West addresses.

Ms. Fisher stated that the Department of Public Works (DPW) will assign the addresses but they have not told us what they will be.

Mr. Moriarty stated that he sees problems with things like package delivery and with people picking up and dropping other people off once there is a front door with steps.

Mr. Clemens stated that the thought process was to create a streetscape; it is more of an elevation change.

Mr. Diem stated that he has similar concerns to Mr. Moriarty about the assumptions that have to be made looking at the current plans.

Mr. Clemens stated that this is a town-created situation as they purchased a business-zoned property and did not intend to build a residential community. He added that they do have another proposed use but added that they are willing to continue working but they do need to get some assurance that they are on the right track.

Mr. Diem stated that he is concerned about how the building is sited. He asked about getting rid of the building on Park Ave. West which would leave four units in two buildings for a total of eight units.

Mr. Clemens stated that they have worked diligently with the neighborhood and this is the visual that the neighborhood wanted and this is why it is positioned this way.

Mr. Diem stated that he is not necessarily challenging the position of it. He is challenging whether or not we need three buildings.

Mr. Clemens stated that having two buildings is unacceptable. He stated that he would ask for a vote tonight as they have other projects committed and he does not want to waste any more time.

Mr. Diem stated that he is trying to figure out what the width of the buildings were.

There was discussion about the width of the buildings.

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

Gary MacDougall, District Five Town Councilor, stated that there have been a lot of improvements. He added that this is a tough one because you have residents on both sides, for it and against it. He stated that in his opinion, it is always about who is impacted the most and who is going to look at these buildings for the rest of their life.

Councilor MacDougall stated that he is worried about what can happen if this project doesn't go through, what will happen. He noted that this is a B-2 zoned property and just about any business can go in there. He continued that not everybody is going to be happy, but the developer has been working with the community and trying to figure out the best possible path. He stated that he will continue to talk to the residents.

Tom Tanner and Tracy Nardone who is an abutter 139 Park Ave West spoke to the Board. Mr. Tanner asked how trash will be handled.

Ms. Fisher point out on the slide where the dumpster will be located and that it will be fully enclosed in a transparent fence.

Mr. Tanner asked about taking the point off at the intersection.

Ms. Fisher stated that this cannot be done as part of this project as it is town-owned and is state highway.

Mr. Luongo stated that the town will work with the state about a possible reconfiguration of the intersection.

Mr. Tanner requested that if his dad's stone needs to be moved that it be done professionally.

Ms. Nardone stated that she has requested that her dad's stone remain on town-owned land.

Ms. Nardone stated that her biggest concern is what could happen at this site. She stated that they live on a busy highway, but it is still a neighborhood. She continued that there has been concern about what would be going into the groundwater. She pointed out that everything from that site is going into the groundwater now as there is currently no filtration. She stated that she thinks that the applicant has jumped through a lot of hoops and should be given a shot.

Mr. Denizkurt asked if the applicant had an interested party and what type of business it would be.

Mr. Clemens stated that they have signed a non-disclosure agreement but he did say that it is not residential.

Steve McCluskey, 10 Millstone Lane asked about the landscape plan and the proposed vegetation to screen Millstone Lane and what that will look like around the entrance and exit.

Mr. Clemons stated that there will be evergreen, large-scale arborvitaes and a wall of screening for the parking lot area. There will be a black wrought iron gate because arborvitaes will take some time to grow. There will also be a small retaining wall.

Mr. McCluskey asked about the grove line and if there is anything behind the grove like a similar wall of arborvitaes to block the parking lot from that angle.

Mr. Clemons stated that they will use the same approach here with the arborvitaes and red oak to screen off the parking lot. He added that the arborvitaes can also help with blocking the noise pollution.

Mr. Clemons stated that they will install 8-foot, decorative lamp posts rather than parking lot lighting. He added that there will be residential style wall packs, not commercial lighting, mounted on the buildings at the entry.

Maynard Johnson, 372 Columbian Street, stated that he ran the operations for the old building at 158 Park Ave West for a number of years. He stated that the intersection needs to be fixed. He stated that his biggest concern is that this spot needs something in there that's going to look nice. He stated that he does not have a problem with condominiums in a residential neighborhood.

John Lambiase, 119 Park Ave West, stated that this site has been a very quiet property as long as he has lived there. It was an insurance company and then a daycare center with low traffic and very quiet at night. He pointed out that the area is very much a residential neighborhood. He also expressed concern about landlord accountability and the potential for transient residents. He also stated that he would like to see the town-owned point at the intersection be designed as a historical square.

William Senior, 18 Millstone Lane expressed concern about the intersection and traffic. He stated that this is still an intense use.

Mr. Denizkurt stated that the official filing date for this application was January 4, 2023. By regulation, a decision must be made within 90 days or the application is automatically approved. The termination date is April 4, 2023 but the Board does not meet until April 5, 2023.

Mr. Denizkurt stated that he is not able to make a finding for this because there is too much information missing. He added that other board members have echoed that same sentiment, based on the comments that have been made tonight.

Mr. Denizkurt stated that there are three alternatives

- The applicant could agree to waive the 90 day timeline and ask for a 30 day extension. Additional information could be presented on April 5, 2023.
- If the applicant does not agree to waive the 90 day timeline and ask for a 30 day extension and a decision is made this evening, and is a denial, the applicant will be precluded from coming before this board for two years with the same or similar application on a residential basis
- The applicant could request to withdraw without prejudice, which would allow the applicant to come back before this board with any plan, without any timeline restrictions.

Mr. Clemons stated that the applicant has worked in good faith with the neighbors and the community. He suggested that the details can be conditioned in the order to ensure the project's outcome. He acknowledged that people are concerned about conservation but that is a step further in the process. Mr. Clemons stated that he cannot commit to an extension at this point.

Mr. Luongo stated that if the applicant agrees to waive the timeline, he thinks that the Board has to give the applicant some parameters. He stated that there has to be agreement on nine units, three buildings, positioning, and 26 parking spaces. He continued that they can give details on the parking, the landscaping plan, and the building materials.

Mr. Luongo stated that the proposed building moratorium has died because no action has been taken by the Town Council. He noted that one of the requests was that every new development have separate water meters to the individual units even though the resident might not be charged.

The applicant reported that this is something they typically do anyway.

Mr. Luongo stated that this is a very difficult site. He stated that he lives in the neighborhood just around the corner and goes by that site all the time. He added that single-family homes are not allowed in the B-2 district.

Mr. Luongo suggested that the next meeting be about the design issues and landscaping issues. He added that the intersection is not likely to be signalized but the town will work with the state to reconfigure it.

Mr. Denizkurt reminded the audience that the public hearing is still open which means the public still could comment.

Mr. Diem made a motion to recess for five minutes and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Schneider cautioned the Board to limit the amount of discussion among the members with the public hearing in recess.

Mr. Denizkurt asked if there was consensus as to whether the number of units and the number of buildings is acceptable. He requested board members to voice their opinions.

Mr. Denizkurt stated that he does not think that he has enough information this evening to decide because the building plans are not specific and there is not enough detail on the landscaping plan. He added that he cannot guarantee that he would be okay with nine units; he would have to see what the plan actually looks like because there may be other questions and/or concerns that could come up based on what is presented.

Mr. Moriarty stated that he would support the nine units in three structures as presented on this plan subject to some architectural comments. He stated that he would want conditions such as an outline that shows what's going to happen with things like screening for the dumpster and mechanicals especially in the back as they abut the neighboring residential property. He noted other conditions such as the maintenance of the stone monument memorial, a final landscape plan, the final architectural plan, and that there will be separate utilities and meters.

Mr. Diem stated that with three buildings, two of them are very similar with the same conditions in the backyard. The third one is a challenge. He stated that he would like to see something different that is in keeping with the rhythm of the street. It doesn't have to be the rubber stamp of the other two.

Mr. Lynch stated that he is comfortable with nine units and three buildings. He questioned if mechanicals were going to be in the attic space so there would not be a need for screening.

Mr. Clemons stated that there will be small outside handlers with condensers that will be screened and shown in the landscaping plan.

Ms. Chin stated that just taking the massing that you had and moving it throughout the site isn't really working. In order for this to really feel more comfortable in the site we need to see something that's architecturally more blended.

Mr. Clemons stated that they agree to waive the 90-day decision requirement under the conditions that were discussed and that it is a nine unit project with modifications

Mr. Denizkurt asked if the applicant has sufficient time to get the requested information. This information includes updated architectural plans, updated landscape plans, lighting plans, and drainage plans. Also, answers to DPW comments will be provided if possible.

Mr. Moriarty made a motion to grant the applicant's request for a waiver to the 90-day time requirement on the special permit and to continue the public hearing on **Case #3493** to April 5, 2023, and was seconded by Mr. Lynch. **UNANIMOUSLY VOTED.**

New Business:

Present: Kemal Denizkurt, Chairperson
Jonathan Moriarty, Vice-Chairperson
Brandon Diem, Clerk
Nicole Chin
Carsten Snow-Eikelberg

1. **Case #3496 - continued by the applicant to 4/5/23** The petitioner, NLTT, LLC, for property located at 217-219 Washington St. also shown on Weymouth Town Atlas sheet 20, block 275, lot 19, located in the B-1, R-1 Village Center Overlay Districts. The petitioner is seeking to:

Special Permit	120-25.3	Village Center Overlay District special permit use
Special Permit	120-25.9	Village Center Overlay District shared parking

The subject property is a 28,750 sf parcel of land with a vacant building that was the former site of a bicycle shop and car parts store. Petitioner seeks to remove the existing structure and construct a 3 story multi-use building with parking under and on first level, commercial retail space and two additional stories of residential space totaling 27 units.

2. **Case #3497** - The petitioner, Raymond D. Jennings, III, for property located at 550-560 Washington St. also shown on Weymouth Town Atlas sheet 29, block 330, lot 3, located in the B-1, Commercial Corridor Overlay Districts. The petitioner is seeking to:

Special Permit	120-25.15B	Commercial Corridor Overlay District special permit.
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The subject property is a 74,100 sf parcel of land with a single-family home and a 1,500 sf restaurant. Petitioner seeks to demolish existing structures and build a new structure containing 36 residential units with a 3,000 sf restaurant on the ground level.

Mr. Moriarty made a motion to open the public hearing on **Case #3497** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Ray Jennings, attorney with offices at 775 Washington Street in Weymouth appeared before the Board. He stated that he is also the applicant. Michael Schilling from Walter A. McKinnon Associates and Brian Pissarro were also present.

Mr. Jennings stated that he expects that this might take a couple of meetings so he wanted to get before the board, explain what is being proposed, and get a sense from the board what needs to be worked on.

Mr. Jennings stated that the applicant is actually the Union Realty Trust of which he is the trustee. He stated that Mike Schilling is the structural engineer who is also leading the design team. He stated that Brian Pissarro is his business partner and also an owner of the real estate.

Mr. Jennings stated that the proposal is for the redevelopment of 550 to 560 Washington Street. The existing conditions are that it's a 1.7 acre lot that abuts the Spanish Trace apartments on one side and the Ledges apartments on the other. It is buffered by roughly 200 yards of wooded area and a perennial stream to the Ledges apartments, facing the building the left hand side. There is commercial use across the street. The only residential abutter is the Spanish Trace apartments. The existing lot contains two buildings; one is a single family home that is at the same level as the Spanish Trace apartments and then below on the left is the 1500 square foot Union Brewhouse restaurant.

Mr. Jennings reviewed the historical uses of the property. He stated that the site is zoned B-1 and lies within the newly created Commercial Corridor Overlay District (CCOD). The proposal calls for the demolition of the existing buildings and the construction of a new building with the restaurant located in the 3000 square foot first floor space with two stories of residential units above. There would also be ground level covered parking. The plan would have 18 one-bedrooms and 14 studios. The overall height is three stories.

Mr. Jennings stated that they intend to provide 10% affordable housing on the project as a condition of the special permit. He stated that they are in the process of completing the site engineering as well as the drainage, elevations, and the landscape plan. He also noted that sightlines on Washington Street will need to be addressed.

Mr. Jennings stated that they are increasing the impervious soil area, the paved area, but all within the state limits and the local regulations.

Mr. Jennings pointed out that there will need to be remediation on the site as the back portion of the parcel has been used for many years to get dispose of grass clippings and tree branches.

He stated that there is discussion about terracing the back of the lot to alleviate some of the steep drop off into the riverfront area and make sure that the water is contained and returned to groundwater.

Mr. Schilling stated that they have tiered the building so that it is three stories in the front and in the back. At no point is this building over three stories or 40 feet.

Mr. Denizkurt asked the applicant if they have received copies of the following letters:

- Traffic engineer, dated March 7, 2023
- Assistant town engineer dated March 7.
- Water, sewer, and engineering division comments
- Conservation Commission administrator

Mr. Jennings confirmed that they have these letters and stated that all of them will be addressed and none of them appear to be prohibitive.

Ms. Chin stated that she is looking to understand the difference from Washington Street all the way up to the building and how the site is going to slope. The engineer will need to put all of the finished floor elevations on the plan. She stated that right now it is reading like it is very flat but then there is a 13-foot drop to Washington Street.

Ms. Chin questioned the parking chart. She noted a discrepancy in the numbers. Is it 32 units on 84 seats or 32 units on 66 seats.

Mr. Schilling stated that they will check on this.

Ms. Chin also stated that she would like to see the typical notations such as the location of snow storage, mechanicals, and trash

Mr. Diem asked if the patrons of the restaurant will use the surface parking and the covered parking will be for the residents.

Mr. Schilling stated that this is correct.

Mr. Diem stated that he would like the civil plan to show where the front of the adjacent building is compared to the Spanish Trace apartments.

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

District three Councilor DiFazio disclosed that he is friends with the applicants. He stated that he backs this project until he hears something that he does not like. He stated that he believes that this project fits what the Ordinance Committee intended when they made the zoning changes. He asked the Board to take serious consideration on the project.

Mr. Luongo stated that this is a difficult project from the Planning Departments point of view because of circumstances that evolved over the last several months and that no circumstances have dealt with the water issue in Weymouth. He stated that the town must be judicious in vetting projects because of the possibility/probability that the town could run out of water.

Mr. Luongo stated that the town is looking at MWRA for its primary source of water and the mayor has started that process and the application process has to be approved by the town council.

Mr. Luongo stated that the priorities are primarily along Route 3A, Weymouth landing, Jackson Square, and Columbian square.

Mr. Luongo stated that he would like the applicant to scale back from 32 to 28 units.

Mr. Moriarty stated that he critiques the plans that are put before him on an application. He added that he appreciates what goes on with Planning and appreciates the mayor's diligence. He stated that he decides an application based on what is presented. Then he takes the facts without preferential consideration, and applies the bylaws. He added that in no other way will he be swayed.

Mr. Luongo stated that it is not about being preferential. He pointed out that the town is asking the developers to individually meter each unit, even though they're going to be rental units because the town needs to get a better gauge of water use to determine excessive water usage. Developers will be asked to give estimates of the number of gallons of water they are going to be using per day as well as gallons of sewage discharge. This information will go to the water department and before the permits are granted, they can make sure the numbers match the water department's projections on water usage.

Mr. Moriarty made a motion to continue the public hearing until April 5, 2023 on **Case #3497** which was seconded by Mr. Diem. **UNANIMOUSLY VOTED.**

3. **Case #3456** - 125 Broad Street - Minor Modification to reduce proposed parking spaces by one space while still conforming to the 1.5 space per unit requirement

Mr. Schneider stated that they did not ask the applicant to come and that he would briefly explain. He stated that from the beginning of this project, it was known that they were going to have to move a large generator to a different location. They have worked with National Grid and the location has been determined. He noted that the location is shown on plans sent out today. This change reduces the number of off-street parking spaces by one. The Planning Department is considering this a minor modification; it does not change the ratio that they were required to meet. They were originally at 1.56 and are now at 1.54 spaces per unit. This is not a significant change as they are still within their required ratio.

Mr. Moriarty made a motion to accept the request for a minor modification to eliminate one space from the proposed parking plan and was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Other Business

1. **Minutes:** NONE
2. **Upcoming Meetings:** April 5, 2023
3. **ADJOURNMENT**

Mr. Moriarty made a motion to adjourn at 10:05 p.m. and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Approved by:  4.5.23
Mr. Diem, Clerk Date