

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, April 5, 2023 - 7:00 PM
Weymouth High School - Humanities Center
1 Wildcat Way, Weymouth, MA 02190

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2023 MAY 10 AM 10:30

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

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

1. Case #3493 - CONTINUED TO APRIL 26, 2023 - 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
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Special Permit	120-38	Floodplain Special Permit
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The subject property is a 33,106 sf parcel of vacant land. The petitioner seeks to construct 12 two-story townhouse-style dwelling units in three buildings.

Mr. Moriarty made a motion to continue the public hearing on **Case #3493** until April 26, 2023, which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

2. Case #3497- The petitioner, **Raymond D. Jennings, III**, for property located at **550-560 Washington Street** 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. The 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 re-open the public hearing on Case #3497 which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Raymond Jennings appeared before the Board along with Pat Fisher, architect, and Erik Schoumaker, project engineer. Mr. Jennings gave a brief history of the property.

Mr. Jennings stated that the number of units has been reduced from 32 units to 28 units. The number of residential units was reduced by creating a common area space in the rear of the building. He acknowledged that the Board had asked for a perspective in relation to the Spanish Trace apartments and where the building would be. He presented a slide that shows the overhead view of the properties.

Mr. Jennings stated that in calculating the water usage, he used existing numbers for 165 Washington Street which is a 14-unit building with 1500 sf of commercial space; this is about half the size of the proposed project. He reported that their average usage is 341 units of water per year/12; when doubled for the proposed project the average usage would be 682 units of water per year which is 1.86 units of water per day (the unit is 748 gallons of water which is approximately 1400 gallons of water per day for the building which is a rough number.)

Mr. Luongo asked about sewerage calculations and if the Water Department had confirmed these numbers.

Mr. Jennings stated that it is similar to water calculations and that he has not heard directly from the Water Department.

Erik Schoumaker, McKenzie Engineering Group reviewed the existing conditions as well as proposed changes to the site. He noted that the site is within an outstanding resource water area and this was taken into account for the stormwater calculations. He added that soil testing in February of this year confirmed that the soil is generally sandy loam.

There will be a total of 59 parking spaces with 29 located in an interior garage and the remaining 30 will be located on the exterior of the lot. There will be three handicap-accessible spaces up against the restaurant building with one van-accessible space.

Pat Fisher gave an overview of the proposed architectural design. She noted that the existing restaurant is 1500 sf which will be increased to 3000 sf with a capacity of 72 seats. She stated that there will be 20 one-bedroom apartments of approximately 700

sf along with six studios of approximately 352 sf and two studios of approximately 450 sf for an estimated occupancy of 56 residents.

The front building is referenced as building “A” and the rear building as building “B.” She stated that the materials on the front of building “A” will consist of cement panels with clapboard and shiplap wood. There will be red brick along the lower part. The faux balconies will be black metal.

Mr. Jennings stated that three of the units will be affordable.

Mr. Luongo asked if there was a Lighting Plan.

Mr. Jennings stated that there is not a Lighting Plan yet but its approval by the Planning Department could be made a condition of the application.

Mr. Schneider stated that the town’s traffic engineer had commented that the turning radius seems tight and this needs to be reviewed and approved by the Fire Department. He also noted that fire department access to the building in the rear needs to meet their regulations. Also, he expressed concern about the access of trash trucks to the dumpster.

There is also a question about pedestrian accessibility on the site and potentially adding a segment to the sidewalk as the current layout is a circuitous route from the street to the residential area.

Mr. Schneider stated that the traffic engineer would like to sign off on the project to review the landscape architecture and site lines.

Ms. Chin stated that the site could be more pedestrian friendly. She also questioned plans for deliveries to the restaurant and where they will stop on the site.

Mr. Schoumaker stated that they will review the plans and get back to the board with that information.

Ms. Snow-Eikelberg asked about plans for an outdoor dining space and outdoor space in the rear for resident activities.

Mr. Schoumaker stated that outdoor dining was not included in this plan.

Mr. Jennings stated that there is space in the rear that will be walkable.

Ms. Snow-Eikelberg stated that this area needs to be better delineated specifically for residents. She also stated that the sidewalk layouts need to be reviewed for pedestrian accessibility.

Ms. Snow-Eikelberg questioned the terraced area on the plans.

Mr. Schoumaker stated that there is a stand-alone plan for the mitigation and restoration of the riverfront location that was prepared by a wetland scientist. He reviewed the details shown on the plans.

Ms. Snow-Eikelberg asked which type of units would be affordable.

Mr. Jennings stated that that is up to the agency to determine what they think is affordable.

Mr. Luongo asked about what other amenities will be offered.

Ms. Fisher stated that there would be a storage area for bikes.

Mr. Jennings pointed out that there is a gym across the street; he questioned if it is worth having an exercise room. He stated that he would like to consider a roof deck. He stated that there is space in the rear for outdoor space but that use would be contingent on Conservation Commission approval.

The Conservation Commission hearing date is April 25, 2023.

Mr. Moriarty stated that he would like to see the elevations of the two buildings.

Mr. Diem stated that he would like to see the proposed plan without the existing underlaid on it. He stated that he noticed that the parking area in front of the restaurant has only one entrance in and out. This could present a problem when someone pulls in, realizes the lot is full, and then has to back out. He also questioned if there would be standing room for the restaurant and if this was considered in the count for parking.

Mr. Diem asked about the glass windows that are above the restaurant spanning two stories.

Ms. Fisher stated that this will match the rest of the glass.

Mr. Diem asked about the location of the mechanicals.

Ms. Fisher stated that there will be 28 small rooftop, 4x4x4 condenser units. She stated that they will be screened but they have not completed the plans to the level of detail to determine if there is a need for a parapet.

Ms. Chin questioned the location of a thin window on the front of the building.

Ms. Fisher stated that they could adjust this.

Mr. Denizkurt stated that he thinks this concept is a nice addition to the town. He questioned if the dumpster is shared between the restaurant and the residents. He also questioned how frequently it will be emptied as there will be food dumped into it every night.

Mr. Jennings stated that it will be shared.

Mr. Denizkurt questioned the location of the dumpster near the entrance to the restaurant.

Mr. Jennings stated that the dumpster would be screened but stated that they would be willing to consider a different location.

Mr. Denizkurt asked about the fencing along the property line with the Spanish Trace Apartments.

Mr. Jennings stated that the stockade fence was installed by Spanish Trace not too long ago. He stated that he did not know when the chain-link fence was installed or who owns it.

Mr. Schoumaker stated that there is no plan for modifications to the fencing.

Mr. Denizkurt stated that Mr. Thomas Powers submitted a letter to the Board in opposition to the project.

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

Mr. Powers stated that he was the owner of the Union Brew House from 1996 to 2019. He stated that he believes that the applicant is presenting this project with an invalid contract. He stated that Mr. Jennings made promises to him that he did not keep and he questioned if Mr. Jennings would keep the promises he is making now.

Mr. Luongo stated that if there is a dispute about ownership the issue will be referred to the Town Solicitor.

Mr. Jennings stated that he had not received a copy of Mr. Powers' letter prior to this evening. He spoke to Mr. Powers' concerns and stated that he offered Mr. Powers a lease opportunity but he declined. He added that this was always a real-estate development deal.

Mr. Jennings continued that this grievance was provided to him previously by another attorney. He stated that he responded to it and it was decided that there was no basis for it. He offered to provide this information if needed.

Frank Clegg, no address given, stated that he is part of this project and this has always been a real estate deal. He stated that Mr. Powers was offered the opportunity to purchase the property on which the Union Brew House is located by the former owner but he did not take the offer. The property was placed on the market and they purchased it.

Mr. Luongo stated that his two concerns are what are the amenities to be provided and what are the building materials for building “B.”

Mr. Schneider stated that the applicant should provide a sign-off from the fire department. He pointed out that the water and sewer calculations need to be reviewed by the Department of Public Works (DPW). He added that the comps provided (165 Washington Street) for the residential component are similar but there is no restaurant at that location. He stated that a calculation for a restaurant of a similar size needs to be used.

Mr. Moriarty made a motion to continue the public hearing on **Case #3493** until April 26, 2023, which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

New Business:

1. Case #3496 - CONTINUED TO APRIL 26, 2023 - The petitioner, **NLTT, LLC**, for property located at **217-219 Washington Street** 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
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Special Permit	120-25.9	Village Center Overlay District shared parking
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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. The petitioner seeks to remove the existing structure and construct a 3-story multi-use building with parking under and on the first level, commercial retail space, and two additional stories of residential space totaling 27 units.

2. Case # 3498 20 Cliff Street - The petitioner, **Eric Diener**, for property located at **20 Cliff Street** also shown on Weymouth Town Atlas sheet 3, block 2, lot 29, located in the R-1 District. The petitioner is seeking to:

Special Permit	120-40	extension or change by special permit, an increase of living space on a lot less than 5,000 sf
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The subject property is a 4,590 sf parcel of land with a single-family home and a detached garage. Petitioner seeks to add a second-story dormer to the house.

Mr. Moriarty made a motion to open the public hearing on **Case #3498** which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

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

Mr. Diener, the applicant, appeared before the Board with Robert Wagner, the contractor. Mr. Diener stated that he would like to add a 5' by 30' dormer to the rear of the house. The expansion will increase the size of the second-floor bedroom and add a bathroom.

Mr. Schneider stated that this application is before the Board because the lot size is less than 5000 sf which is non-conforming.

Mr. Diener stated that the addition will stay within the footprint of the dwelling as it will go above the existing first floor. This project will increase the size of the existing bedroom on the second floor. There will be no changes made to the first floor.

Mr. Denizkurt 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 on **Case #3498** which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3498**.

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

Other Business

1. Minutes: 12/7/2022, 1/4/2023, 3/8/2023

Mr. Moriarty made a motion to approve the minutes from 12/7/2022, 1/4/2023, and 3/8/2023 which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

2. Upcoming Meetings: April 26, 2023

3. ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 8:30 p.m. which was seconded by Ms. Snow-Eikelberg. VOTED UNANIMOUSLY.

Approved by:  _____  _____
Mr. Diem, Clerk Date

Other Business:

Minutes: