

BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, April 13, 2022 - 7:00 p.m.  
Weymouth High School - Humanities Center  
1 Wildcat Way, Weymouth, MA 02190

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2022 JUL -7 PM 2: 36

**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 7:00 p.m. at 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 #3470- CONTINUED BY APPLICANT TO 4/27/22** The petitioner, Edward Page, for properties located at **550 Broad Street** also shown on Weymouth Town Atlas sheet 22, block 238, lots 17 & 15, located in the B-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	120-74	parking requirements
Variance	120-57	Height limits on structures abutting R-1 district

The subject property consists of a 5,800 SF parcel with a mixed use property, two-story structure with two residential units above and a full-service restaurant on the first floor. Petitioner seeks to add third floor of residential apartments such that the new building will contain three stories with six one bedroom apartments.

Mr. Moriarty made a motion to allow the applicant to WITHDRAW the application without prejudice and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

2. **Case #3473- CONTINUED BY APPLICANT TO 4/27/22** The petitioners, McDonald Keohane Funeral Home, Inc, for properties located at **809 Main Street** also shown on Weymouth Town Atlas sheet 45, block 515, lots 4, 5 & 14 located in the Medical Services, R-1 & Watershed Protection Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-40 (to the extend applicable)	extension or change by
----------------	-----------------------------------	------------------------

Special Permit	120-13 A (as in effect on 12/2/2021)	special permit special permit use funeral home
Special Permit	120-13 B (to the extend applicable)	special permit use garage space for or storage of more than 3 automobiles
Special Permit	120-22.12.A	Special Permit Uses funeral home

The subject properties consist of three parcels consolidated to 2.81 acres with a licensed funeral establishment. Petitioner seeks to expand the existing licensed funeral establishment with a single story addition including a transfer bay, a 2,840 SF chapel area, and a 2,112 SF lobby area. The proposal also includes construction of a detached 1,950 SF garage and site improvements to add onsite parking and improve circulation and stormwater management. Applicant proposes to demolish 636 SF of exiting funeral home, the garage and shed at 8-9 Main Street and the existing dwelling at 19 Cypress Street.

Mr. Moriarty made a motion to CONTINUE the public hearing on Case #3473 until 7/13/2022 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

3. **Case #3472**-The petitioners, James Andrew, for properties located at **180 Pilgrim Road** also shown on Weymouth Town Atlas sheet 4, block 30, lot 5, 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 consists of a 2,680 SF parcel with a single family home. Petitioner seeks to enclose existing front porch, excavate the front hillside to create a carport and raise the roof to accommodate an additional story.

Mr. Denizkurt made a motion to open the public hearing on **Case #3472** and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

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

Gina McDonald, construction manager, appeared before the Board on behalf of the applicant.

The house currently has a story and a half. The applicant would like to fill in the front porch and make it a part of the living room and build a full second floor and attic. In the back, there is an extension of the second floor that is on concrete piers. He would like to enclose the back structure which adjoins the kitchen and make it a part of the kitchen.

The total height of the house will be just under 35 feet after the project is completed. Ms. McDonald pointed out that the lot is slanted. She added that the existing footprint will not be exceeded. There is a deck proposed in the front.

Mr. Denizkurt asked if the distance to the lot lines which are currently 4.8 inches on the left and 4.7 on the right will remain the same. Ms. McDonald indicated that these setbacks will remain the same. Also, the front of the home's side yard setback of 8.4 inches on the left and 8.9 on the right will remain the same. She added that the stair on the right hand side will be removed.

Mr. Denizkurt asked about the nine foot deck which will extend to the concrete wall. Ms. McDonald indicated that the entry stairs will be on the left hand side of the deck, dug into the grass. These stairs will lead onto the deck and then to the front door.

Mr. Schneider reported that there is concern about the proposed structure's height as it is 34 feet, 11  $\frac{3}{4}$  inches which leaves very little room for error. He noted that the Building Department has indicated that if approval is received from the Board, upon completion of the project a certified survey of the finished height will be required.

Mr. Denizkurt asked about the use of the attic space. Ms. McDonald reported that it will initially be unfinished but the applicant would like to put in a bedroom and bathroom.

Ms. McDonald noted that deck will need to be scaled back to 8 feet rather than 9 feet.

Mr. Diem noted that in a 2004 certified plot plan, the house is 12 feet 5 inches from what appears to be the street line.

Ms. McDonald stated that the lot line is not clear and she will get clarification from the surveyor. Mr. Denizkurt requested that the applicant also show what is proposed for the deck.

Mr. Moriarty expressed concern about the increased intensity of use for this property and the need for parking as there is potential to add a third bedroom to the two-bedroom home. Mr. Moriarty asked if additional parking is planned. Ms. McDonald stated that additional parking is not planned. Initially they planned to excavate under the house but were told that this would change the grade and they would not be allowed to build up.

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

Anthony Annatone, 22 Squanto Road, stated that he has submitted a letter in opposition of this project as it does not fit into the character of the neighborhood. He added that there are concerns about the reduction in property value of surrounding

homes due to limited water view, significant reduction of sunlight due to the increased height of the proposed structure, potential for water damage, and overcrowding of the neighborhood.

Patrick Deery, 207 Pilgrim Road, expressed concern about the fact that the neighborhood homes were built over 200 years ago and most are built without the advantage of modern foundations. Instead they rely on the rocks, soil, and grade of the property.

Mr. Deery stated that the homes have excess groundwater. He pointed out that the plan for excavation for the foundation does not show how the excess groundwater will be redirected.

Mr. Deery reported that he asked the petitioner for a groundwater mitigation plan but none has been provided.

Mr. Deery expressed concern about the location of the HVAC and the proximity of it to his home as the side setbacks are less than five feet.

Mr. Deery stated that the proposed height of the home will block the sun from shining into his kitchen which already has limited sunlight.

Ms. Snow-Eikelberg asked about the foundation. Ms. McDonald stated that the contractor has indicated that additional piling support is needed for the second floor; two will be in the front and two in the middle.

Mr. Schneider reported that he had received an email from Councilor Burgha who has concerns that project is ambitious for this beachfront neighborhood. She stated that she has not heard from petitioner or anyone in favor of the the project.

Mr. Denizkurt asked for clarification on the rear of the proposed structure and if the setback is being increased, exceeding the existing footprint. Ms. McDonald stated that the setback is being increased by 30 inches.

The applicant agreed to provide the following additional information: an updated site plan with the proposed structure (including deck) superimposed upon it and further information to address parking concerns.

Mr. Denizkurt made a motion to CONTINUE the public hearing for Case #3472 until May 18, 2022, and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

### **New Business:**

1. **Case #3399** - Remand in accordance with Superior Court Docket Number 2082CV00014. The petitioner, Shannon Randlett, for property located at **15 Canacum Road**, also shown on the Weymouth Town Atlas sheet 3, block 2, lot 21, located in an

R-1 Zoning District, seeking relief from the Board of Zoning Appeals to add the following condition to the variance: “There shall be no storage of liquid combustible items in the shed.”

Mr. Denizkurt made a motion to open the public hearing on **Case #3399** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

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

Walter Sullivan appeared before the Board on behalf of the abutter who filed the appeal.

Mr. Schneider reported that the Planning Department did not object to the addition of the amendment to the variance.

Mr. Moriarty made a motion to amend the variance to read that “there shall be no storage of liquid combustible items in the shed.” The motion was seconded by Ms. Snow-Eikelberg and UNANIMOUSLY VOTED.

2. **Case #3475**- The petitioners, John Cedarstrom, for properties located at **192-194 North Street** also shown on Weymouth Town Atlas sheet 7, block 108, lot 24, 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	Table 1	front yard setback

The subject property consists of a 14,740 SF parcel with a two-family dwelling. Petitioner seeks to add a new entryway/mudroom to 192 North Street and a front porch across both 192 & 194 North Street.

Mr. Denizkurt made a motion to open the public hearing on **Case #3475** and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

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

Mr. Cedarstrom appeared before the Board to request a special permit to add an addition on the 192 side of the house to mimic the 194 side. He stated that the addition will be 9 foot by 22 foot. The addition will not increase the overall footprint of the home.

There was discussion regarding the front porch encroaching into the front yard setback. A variance is not required if the porch maintains the 18 foot setback.

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

Mr. Schneider stated that fascia and gutters are not considered an encroachment into the setback.

Mr. Cedarstrom withdrew the application for a variance.

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

Ms. Snow-Eikelberg made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3475.

**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.

With the condition that the front porch does not encroach into the 18 foot front yard setback. The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

**Other Business**

1. **Minutes:** 1/26/2022

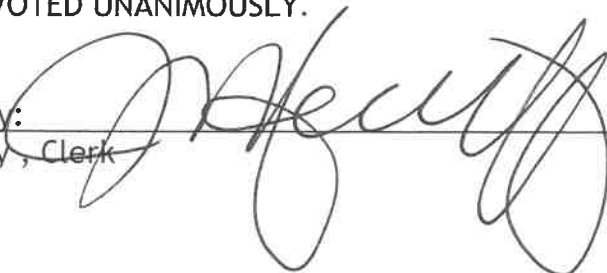
Mr. Denizkurt made a motion to approve the minutes from 1/26/2022 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

2. **Upcoming Meetings:** April 27, 2022

**3. ADJOURNMENT**

Mr. Denizkurt made a motion to adjourn at 8:00 p.m. and was seconded by Ms. Snow-Eikelberg. VOTED UNANIMOUSLY.

Approved by:  
Mr. Moriarty, Clerk



6/15/2022  
Date