

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

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TOWN OF WEYMOUTH  
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May 17, 2023, 7:00 p.m.

Weymouth High School - Humanities Center  
1 Wildcat Way, Weymouth, MA 02190

2023 AUG 18 PM 3:17

**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 #3497- continued by the applicant to 6/7/2023** 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<br>special permit |
|----------------|------------|--|

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

A motion was made by Mr. Moriarty to **CONTINUE** the public hearing on **Case #3497** until June 7, 2023, which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

2. **Case #3496** - 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<br>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. 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.

Mr. Moriarty made a motion to **REOPEN** the public hearing on **Case #3496** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Mr. Galvin distributed updated plans to the Board that were marked as Exhibit B.

Mr. Galvin, the attorney for the applicant introduced William Christopher and James Christopher from 686 Architects as well as Keri Pyke from Howard Stein Hudson, the traffic engineer.

Mr. Galvin informed the Board that the civil engineer is not able to make it tonight. He stated that they will have to come back on several of the items the chairman just outlined, especially those involving the Civil Engineer: the elevations, and where the support beams and columns can be situated within the garage.

Mr. Galvin stated that they would like to go over the redesign of the front of the building, especially at the corner of Broad and Washington Streets, and to address traffic issues.

William Christopher reviewed the updated plans. He stated that one specific question was about the easements. He presented a slide showing a drawing with estimated dimensions from the abutter's sidewalk to the different easement points.

Mr. Christopher reviewed the main entrance elevation and how that is being treated. He noted that on the ground level, in the right-hand corner, there are two handicapped parking spaces. He noted that was a retail space of approximately 300 square feet that has been taken off the drawings for now. This addressed concerns about the relationship of the handicapped spaced to the exit point and also allows for a designated spot for deliveries.

Mr. Christopher reviewed the corner between Broad and Washington Streets with a slide to illustrate the proposed design.

Mr. Christopher reviewed the structural system for the platform construction. He pointed out on the slide where the columns will actually end up coming down at the line points between parking spaces to minimize any conflict or obstruction with the parking spaces.

Mr. Christopher reviewed selected materials. He stated that they will submit physical examples of what all of these materials are, but they are combinations of all cementitious based products. They vary between plank, panel, and clapboard.

Keri Pyke reviewed the traffic plans. She stated that they just studied the one intersection at of Washington and Broad Street. She pointed out that all of the red lines on the slide are areas where there is no parking allowed on the street. She added that as you go north on Washington Street, two hour on-street parking is allowed on both sides. There are a few areas with green lines that don't have any restrictions on on-street parking.

Ms. Pyke noted transit services in the area: two bus routes, 225 and 226.

Ms. Pyke reviewed the product description slide which showed the number of units, and the amount of square footage of retail, which are the things that generate the trips. She stated that the project generated trips, the number of units and the small amount of retail, is a pretty small traffic generator. In the morning rush we have five trips coming in and seven trips going out in the morning in one hour; and then in the afternoon in one hour there are 11 in and 10 out so 21 total.

She stated that compared to the overall volume of the traffic passing through the intersection of Broad and Washington Streets, that is about a less than 1% Change overall. She continued that she did not think that those extra few trips would be noticeable to the average driver.

Ms. Pyke reviewed the transportation management plan.

Ms. Pyke mentioned that they did get a comment from the town traffic engineer expressing concern about the proposed driveway location which is an existing driveway today asking how that would function. She noted that they did not collect any data there. She stated that they will look into that and address it when they come back.

Ms. Pyke stated that the town has a plan to change the timing to put in an advanced left turn phase for Broad Street westbound. She noted that they have those plans which are incorporated into the future analysis that's in the traffic report.

Mr. Luongo asked Ms. Pyke to review the on-street parking information.

Ms. Pyke stated that she will double-check the information and bring a new map next time.

Mr. Schneider asked if it was in the traffic engineer's scope to look at the internal circulation of the parking garage.

Ms. Pyke stated that they did not consider this. She pointed out that typically this is done by the civil engineer, but they could look at it too.

Mr. Luongo asked if they looked at conflicts between cars entering and exiting the convenience store, laundromat, and the proposed building since this is a shared entrance.

Mr. Christopher stated that they will look into this.

Ms. Snow-Eikelberg asked if the estimated new trips take into account the proposed commercial space.

Ms. Pyke stated that it takes both into account.

Mr. Moriarty asked if the traffic study included trips to the abutting store and laundromat.

Ms. Pyke stated that they are going to look at the driveway so they will likely capture that traffic. She noted that they did not initially do this.

Mr. Denizkurt asked about the size of the balconies. Mr. Christopher stated that they would be 5' by 8'. Mr. Denizkurt stated that he is hesitant about balconies on the rear that are going to be looking over abutting residential property.

Ms. Snow-Eikelberg asked about the median on the rendering that shows the view going into the driveway off Broad Street. She questioned the impact that this could have on the access easement.

Mr. Christopher stated that they illustrated this because they would like to see some grass and some short shrubs.

Mr. Diem asked if there are 47 proposed spaces now, which would be down from 50 which was on the original proposal.

Mr. Christopher stated that there are 47 proposed spaces, the goal was to have 50. He noted that there is potential for five or six more spaces on a strip of land on their property and would be first come first serve shared spaces.

Mr. Luongo asked if the applicant would grant the abutting property an easement. Mr. Christopher stated that his client would do some sort of perpetual rental as he did not know if they wanted to give them more land.

Mr. Luongo restated for the record that the conflict is based on how the easement that was originally granted to the convenience store. It should have been a wider easement than now exists. The parking spaces closest to the laundromat are going to have a hard time maneuvering out.

Ms. Chin stated that she would like the civil engineer to look at the parking spaces in the basement and the turning into the spaces to confirm that having a column that is

close to the edge of the space will not impede the car turning in. Also there typically are some dimensional constraints on how much a column can impede on a parking space. She stated that she would like some additional confirmation on that as well.

Ms. Chin asked if there is a need for three exits from the main space. She noted that they are creating an entrance lobby that is very grand on this but there are no views or amenities that are celebrating the corner. She suggested possibly opening it up to become an amenity for tenants and making use of some of that glass provided at that corner.

Mr. Luongo questioned the slope of the sidewalk along Washington Street.

Mr. Christopher stated that there will be a sidewalk and then behind the sidewalk there will be a walkway for entrance into retail. He continued that the plan is to have an accessible entrance as well as entrance points where there would be a couple of stairs. He noted that there would be an elevational difference between the sidewalk and the pedestrian walkway. There would be a small retaining wall that would also house the plantings.

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

Colleen Donnellan, 27 Lindberg Avenue, stated that her property abuts this property on three sides. She stated that parking on Common Street is completely packed. She stated that the applicant is suggesting that there is available parking that is not really there. She pointed out that there is a three-family home on Common Street that does not have enough parking. They are starting to park on Lindbergh Ave which is very narrow.

Ms. Donnellan stated that her home is two stories above the ground; this project will look right at her. She stated that the shadow picture shown is a misrepresentation.

Mark Bourbeau spoke on behalf of the immediate abutter, the convenience store and the laundromat, who have the biggest conflict. He stated that the applicant showed greenery to screen the parking spaces. He stated that the applicant has no right to put greenery on top of the parking easement

Mr. Bourbeau stated that the little triangular easement was actually an easement for the applicant or for their predecessor to access loading dock. He stated that it was his client who granted that to the predecessor.

Mr. Bourbeau stated that there is an existing queuing problem. He noted that at most times of the day, if there are more than two cars at that light, it blocks the curb cut.

Mr. Bourbeau reviewed a traffic study done in 2015.

Mr. Bourbeau pointed out that some of the underground parking spaces are undersized, only seven feet wide, by scaling them. The code calls for nine and some others are eight. There are at least five that are undersized.

Mr. Luongo stated that the intersection at Washington and Broad Streets was upgraded about two years ago.

Patricia Foscaldo, 28 Lindbergh Avenue, expressed concern about the traffic at the intersection, parking, and disruption that will be caused by the proposed project.

Marissa and Zoe, 27 Lindbergh Avenue, expressed concern about the noise pollution, the invasion of privacy, and the balconies and how it will affect their quality of life and impact their work-from-home business.

Mr. Luongo asked what the plan is to get merchandise in and out of the retail space.

Mr. Christopher stated that there is a designated spot in the back and there is a corridor leading to the retail space. This corridor is shared with residents as the plan is designed right now.

Ms. Chin asked for details regarding the balconies on the plans.

Mr. Christopher stated that they could remove the balconies completely.

Mr. Diem asked for more information on topography, especially in relation to the abutting property's pool and the first-floor units.

Ms. Snow-Eikelberg made a motion to **CONTINUE** the public hearing on **Case #3496** until July 12, 2023, which was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

**New Business:**

**1. Case #3500 - continued by the applicant to 6/14/23** The petitioner, **Ryder Development**, for property located at **0 Green St.** also shown on Weymouth Town Atlas sheet 11, block 119, lot 9, located in the R-1 District. The petitioner is seeking to:

**Variance**                      minimum lot size

The subject property is a vacant 70,500 sf parcel of land. The petitioner seeks to subdivide the parcel into three buildable lots each in excess of 23,000 SF.

**2. Case #3501 - continued by the applicant to 6/14/23** The petitioner, **Fiore & Francesca Tammaro**, for property located at **41 Union Street** also shown on Weymouth Town Atlas sheet 45, block 527, lot 2, 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 16,300 sf parcel of land with a two-family dwelling along with a secondary building. Petitioner seeks to add 820 SF addition adding a bathroom to unit 1 and a second bedroom to unit 2.

3. **Case #3502-** The petitioner, Pond Street Acquisitions, LLC, for property located at 505 Pond Street & 1537 Main Street also shown on Weymouth Town Atlas sheet 61, block 639, lots 4 & 7, located in the B-1 District. The petitioner is seeking to:

Special Permit 120-25

(A), (B), and (C)

Special Permit 120-40

extension or change by special permit

The subject property is a 71,581 sf parcel of land with a 40,950 sf warehouse building that was previously Factory Paint & Decorating store and a 19,178 sf parcel with an unoccupied single-family dwelling. The petitioner proposes two buildings, 9,710 sf and 7,916 sf, totaling 17,626 sf. The uses will include restaurant and retail operations, a drive-through lane, a mobile-order pick-up window, and a modest outdoor seating area. The remainder would be parking, vehicle aisles, & landscaping.

Mr. Moriarty made a motion to open the public hearing on **Case #3502** 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.

Michael Dhemecourt and his partner Patrick Cleary, the developers on this project, appeared before the Board along with the following:

- Doug Troyer, permitting attorney
- Luke DiStefano, civil engineer from Bohler engineering
- Jim Kimball from Phase One Architects
- Jeff Dirk, traffic engineer with Vanasse and Associates

Mr. Dhémecourt reviewed several properties that he and Mr. Cleary have redeveloped.

Doug Troyer gave background on the property and an overview of the proposed project. He reported that there have been several community meetings.

Mr. Troyer stated that they are looking to construct a shopping center complex on this site with a drive-thru for Starbucks and a pickup drive-thru for the Chipotle restaurant, both of which are proposed on this site. He noted that the site has some substantial preexisting non-conformities such as the front setback is only 10 feet from the front yard which will be brought into compliance and there is no landscape buffer on the site at all. It is a huge parking lot with no delineation of access coming on or off of this property.

Patrick Cleary reviewed the project pointing out the layout of the two properties: the main property is the 41,000 square foot building site at 505 Pond, and the single-family home at 1537 Main Street.

The proposal is to replace the 41,000 square foot building and single family house with two smaller buildings. Building A or the northern building, would be 9600 square feet and building B or the southern building would be 7675 square feet. Combined, they would amount to about 17,275 approximate square feet, which is a reduction from the existing building on the site of about 24,000 square feet or 60% reduction of the current building.

Mr. Cleary reviewed the landscaping plan.

The northern building is a 2400 square foot restaurant which is where the proposed Starbucks would be located and the rest of the building is about 7200 square feet of retail that is not spoken for at this point. It has been designed so that it can be subdivided into three spaces.

The Starbucks drive-thru lane extends around the back of the building 240 feet. They have accommodated for a bailout lane around that drive thru that will allow for anyone who wants to circumnavigate the site to not get stuck in the drive thru lane.

An outdoor seating area is proposed in front of Starbucks.

The southern building is anchored by a proposed Chipotle Mexican Grill that would be about 2475 square feet. And then similar to the northern building. The rest of the building of about 5200 square feet could be subdivided into as many as three spaces.

They are applying for a drive thru but there is a distinction as this will be a mobile order pickup window. This will not have any menu boards, or microphones. It will solely service folks who order their food prior to being on site either online or from phone app. They are also proposing an outdoor seating area somewhat smaller than the Starbucks patio.

Mr. Cleary stated that the existing building is 25 feet in height and this zoning district allows for buildings to go up six stories and 80 feet. The proposed buildings will be just over 17 feet; reducing the height of the majority of the building to 17 feet or just over 17 feet except for just above the anchor tenants. The parapet walls will extend to about 19 and a half feet.

Mr. Cleary reviewed buffering along the side and rear yards with plantings, fencing and the location of the dumpster.

Luke DiStefano stated that 112 parking spaces are proposed; 109 are required by zoning. He pointed out that a major improvement over existing conditions relates to



stormwater management. In the lighting for the site, he stated that they minimized the amount of lighting on the property. All utilities to the property are proposed to be underground.

Jeffery Dirk reviewed the traffic numbers and stated there will be a traffic peer review. He pointed out that there is existing traffic that will come to the site. The net new traffic on the roadway is between about 100 to 200 additional trips during the roadway's peak hours.

The Route 18/Pond Street intersection traffic signal is interconnected and coordinated with the Trotter Road intersection. There are plans to re-time the traffic signals.

Mr. Luongo stated the developer paid the town \$18,000 for traffic peer review.

Mr. Denizkurt stated that he is struggling with the two building concept and two drive up window concept on this site which he believes is undersized for this project. He noted that these are two extremely busy businesses with the possibility of an additional five or six units of occupancy. He expressed concern about traffic at this very busy intersection. He questioned the location of the dumpsters. He added that this project is surrounded by residential single-family neighborhoods on three sides.

Mr. Diem asked for more information on the concept of splitting the businesses into two separate buildings.

Mr. Cleary stated that the zoning would allow on a by right basis if the land was actually smaller, 39,000 square feet under 40,000 square feet of land, a project could actually accommodate up to 20,000 square feet of building by right on just 40,000 square feet. They are doing 17,000 square feet. The zoning also contemplates going up to 80 feet in height but they are reducing the majority of the building's height to just over 17 feet.

Mr. Cleary noted that this site is at a strange angle to the intersection. Having only one building would cut down the visibility to the storefronts and impact the circulation around the site and the position of drive-up windows.

Mr. Diem stated that he struggles with having two buildings on the site.

Ms. Snow-Eikelberg questioned how multiple business visits would work on the site.

Ms. Chin stated that she would like to see a more pedestrian-friendly plan.

There was discussion about having two anchor stores versus one and the need for drive up windows and how this could work on the site.

Mr. Cleary stated that the anchor stores have a corporate design and brand as well as

a push for uniformity to their locations.

Mr. Luongo stated that he would like to see an interior seating plan for both anchor stores.

Mr. Luongo asked what projections were used for Union Point.

Mr. Dirk stated they used what was approved for the Phase One build out which is assumed to occur within the seven year horizon and 2007 environmental data. Phase one is expected to be complete in the 20-30 year horizon with 2855 residential units and 2.06 million square feet commercial space.

Mr. Luongo stated that there are plans for rezoning of Union Point that could lead to a total of 7000 units and approximately 2 million square feet of commercial space. This depends on water and a new environmental certificate. He noted that water issues need to be resolved first.

Mr. Moriarty asked if the Starbucks at the plaza with whole foods is going to stay. Mr. Cleary stated that it will remain open.

Mr. Schneider questioned why the developers are willing to build two buildings with a significant amount of spec retail.

Mr. Cleary stated that they find that activity begets activity. When the anchors are of the quality of Chipotle and Starbucks, they attract other high quality tenants.

With that information, Mr. Schneider questioned the potential need for parking as calculations are different for various types of use.

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

John Abbott, District 6 Counselor, and resident at 428 Pond Street thanked the developers for their willingness to work with the community but stated that he finds it difficult to support the project as he has concerns about the impact on direct abutters, traffic, and potentially empty retail space.

Tim Berry, 56 Hilldale Road stated that he is president of the Pond Plain Improvement Association. He stated that he has watched Pond Street become a highway. He stated that he has a hard time exiting his street now. He added that this project will significantly increase traffic. The existing problems with traffic must be addressed before this project is approved.

Cheryl Taylor, 472 Pond Street, expressed concern about the queuing on route 18. She stated that the traffic is already bad and added that having a drive-through will only make it worse.

John Lehner, 52 Thicket Street, stated that there are seven coffee shops from Park Ave to this location; this does not include other eating establishments. Mr. Lehner stated that since the apartment building went in next to the commuter rail station, the traffic on Thicket Street has drastically increased making it difficult to get out of his driveway. He stated that he is not against the business but that this location is not going to work.

Ray Blake, 53 Jessica Lane, expressed concern about the traffic and his ability to exit his street. He stated that turning left across two lanes of traffic to access this property will not work.

Marilyn Fernandez, 71 Jessica Lane, expressed concern about the need for a special permit for the landscaping, abutments, and parking; she stated that there is not a hardship. She noted that delivery services use Jessica Lane to turn around; she stated that they are not stopping to deliver anything. She spoke about the traffic level of service and that the traffic is getting worse. She stated that it seems as if projects are presented one way but seem to be different when completed.

John McDonald, 354 Pine Street, stated that this is one of the worst locations to have a fast-food establishment.

Michael Doyle, 23 Nelson Road, stated that exiting his street is difficult. He noted that the existing Starbucks is open at 4:30 a.m. He questioned what will the hours be

Mr. Luongo stated that if this application were to be approved, the Board would set the hours of operation.

Christa Doyle, 23 Nelson Road, stated that the call box for Starbucks will back up to her home. Ms. Doyle showed pictures of cars backed up bumper to bumper as well as pictures of Weymouth police blocking Nelson Road. Everyone blocks Nelson Road; we cannot get on or off our street. She stated that she will continue to take photos because what I'm living is not matching the traffic analysis. Ms. Doyle submitted the pictures to Mr. Luongo.

Ms. Snow-Eikelberg made a motion to CONTINUE the public hearing for Case #3502 until July 12, 2023, and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

**4. Case #3503** - The petitioner, **James Cugini**, for property located at **1675 Commercial Street** also shown on Weymouth Town Atlas sheet 19, block 260, lot 6, located in the R-1 District. The petitioner is seeking to:

**Variance**                      Table 1                      height

The subject property is a 12,730 SF parcel of land with a two-family dwelling. The applicant seeks to construct a shed dormer turning the attic into a third story.

Mr. Moriarty made a motion to **OPEN** the public hearing on **Case #3503** 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.**

James Cugini, 1675 Commercial Street, stated that he would like to build a dormer on about half of the house. He stated that he suffered a neck injury and getting out of bed with the rafters is difficult. He added that he would like to add solar panels.

There was discussion about this application which was submitted as a special permit rather than a variance. A height variance is needed as the dormer will increase this current legal two-family, two and a half story structure to a three-story structure.

Mr. Denizkurt stated that the application is filled out as a special permit. Mr. Schneider stated that it was advertised as a variance.

Mr. Denizkurt stated that the application does not show the required variance criteria.

There was further discussion as to what the applicant needs to do. The applicant agreed to a continuance.

Mr. Moriarty made a motion to **CONTINUE** the public hearing on **Case #3503** to June 7, 2023, which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

**5. Case #3504** - The petitioner, **Brendan Burke**, for property located at **0 Front Street** also shown on Weymouth Town Atlas sheet 33, block 373, lot 17 and sheet 33, block 424, lot 2, located in the R-1 District. The petitioner is seeking to:

**Variance**                      120-53.2              Lot Shape Factor

The applicant seeks to combine two adjacent lots into one lot of 57,922 square feet for the purpose of constructing one single-family home. The newly created lot exceeds the prescribed lot shape factor of .30.

Mr. Moriarty made a motion to **OPEN** the public hearing on **Case #3504** 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.**

Brendan Burke appeared before the board. He stated that he is seeking lot shape factor variance because the lot existed prior to the lot shape laws were implemented. The lot is narrower and skinnier and it doesn't meet the lot shape factor number; it comes in at .40 as opposed to .30.

Mr. Denizkurt reviewed that this uniquely shaped parcel is located in an R-1 zone, the applicant plans to construct a single-family home on the parcel, and that there were two lots that were merged into one.

Mr. Burke agreed with Mr. Denizkurt. He added that the parcels were previously owned by the same person. He also stated that merging the two didn't make it conform any less but actually a little bit more.

Mr. Denizkurt noted that part of the issue is that there is an electrical transmission line easement that's affecting the property.

Mr. Burke stated that there is an easement and that it limits where the house can be placed. There is also wetland buffers on the easterly side that also impact where the can be situated. Mr. Burke stated that it meets all the other regulations to comply with a regulation other than the lot shape factor.

Mr. Denizkurt pointed out that the applicant cannot move the dwelling closer to Front Street than is shown because of the electrical easement. Also moving the dwelling to the easterly side would encroach on wetlands buffers.

Mr. Diem asked about access to the site; is it off Brennan Street which is indicated as unconstructed.

Mr. Burke stated that access is from Front Street by a driveway that runs parallel to the transmission lines. He added that the utilities will come from Front Street.

Mr. Schneider stated that this very strangely shaped lot was formed through no action of this applicant, so it is certainly not a self-created hardship. It is a matter of combining two oddly shaped lots. So, from a variant standpoint, we think it can be supported.

Mr. Schneider stated that this is a very large lot that goes back into a lot of wetland areas. This project will be going through the Conservation Commission. And as part of that there has been discussion with the applicant to perhaps donate a significant amount of wetlands in the back of the parcel to the town; it would be contiguous to some additional town conservation lands. This will happen through the conservation process. For those reasons, there is no concern with the application as it stands.

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 #3504** which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to **APPROVE** the request for a variance for **Case #3504** pursuant to section 120-53.2 lot shape factor of our bylaw, specifically citing that the literal enforcement of the provisions of the town of Weymouth zoning ordinances would involve a substantial hardship financial or otherwise to the petitioner. This particular lot being very oddly shaped and being a combination of several other lots, is affected by both wetlands as well as a significant easement. The hardship is owing to circumstances relating to the soil conditions, shape, topography, and land structures and how it specifically affects said land or structures, but does not generally affect the zoning district in which it is located. The shape of the lot again, it being an oddly shaped lot, meets dimensional and quantity contents for square footage, but not the shape for side yard setback. The house that is proposed cannot be moved closer to Front Street than it is as it is affected by an easement and wetlands to the east. The dimensional variance as it relates to floor space, number of occupants, or other relevant measures granted, shall be no greater than the minimum necessary to provide for the relief of the statutory hardship. The power line easement limits the placement of the proposed dwelling as well as the location and its proximity to the wetlands.

The following condition will apply:

- Applicant will work in good faith with the Conservation Commission to donate land to the Town through the conservation process, and subject to conservation's allotment.

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

**6. Case #3505** - The petitioner, **George 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 and R-1 Districts. The petitioner is seeking to:

**Special Permit**      120-40      extension of a non-conformity

The subject property is a 13,500 sf parcel of land with a gas station. The applicant seeks to construct a 24x30 two-post canopy over the fuel dispensers.

Mr. Moriarty stated that he is an abutter to this property, noting that he resides at 38 Hildale Road and owns the property at 107-109 Pond Street. He continued that he has both a financial interest and an interest in the neighborhood. He did not think he could be fair and impartial. He also stated that he sat on the first hearing back in 2020/2021. Mr. Moriarty recused himself and left the room.

Ms. Snow-Eikelberg made a motion to **OPEN** the public hearing on **Case #3502** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

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

Mr. Denizkurt informed the applicant that since one of the board members recused themselves and there is not an alternate board member available this evening, that he is welcome to proceed with four board members tonight. He stated that this would require four affirmative votes for the motion to pass. With a fifth board member, there can be one no vote and four yes votes and your motion passes; without the fifth member, four affirmative votes are required. He told the applicant that he has the option of waiting until there is a fifth member or he could proceed this evening.

Mr. Kairouz stated that he would like to proceed.

Kevin Gottwald, Global Contracting Services stated that he has been working with Mr. Kairouz to upgrade the fuel system which has been completed and approved through the town Fire Department.

He stated that they are before the board for the construction of a 24 by 30-foot canopy over the fuel dispensers. Currently there is a 24 by 30-foot existing concrete pad. He continued that the intention is to install a canopy over the existing dispensers.

Mr. Gottwald stated that the canopy serves several purposes. The first is to provide cover for customers on days there is inclement weather. He noted that on rainy days sales drop off. The second reason is that the dispensers are extremely expensive and need to be out of the elements. He noted that if the tin metal gets water on it, it blows the electronics. So, they need to be protected. He added that the lighting will help to illuminate the business to attract customers.

Mr. Denizkurt asked about the height of the canopy.

Mr. Gottwald stated that it is 15 feet below the deck and then there is a three-foot surround. So, the total is 18 feet. There will be six LED lights underneath. The typical canopy normally has eight lights, but they want to tone it down.

If approved, Mr. Luongo stated that there would be no signage allowed on the canopy. Mr. Gottwald stated that currently, there is no signage, and it will be a strictly white canopy.

Mr. Denizkurt asked about the distance of the canopy to the property line. He stated that the canopy needs to stay on the applicant's property.

Mr. Gottwald stated in that zone there is no setback. He stated that a little less than two feet is the existing condition.

Mr. Denizkurt asked if there is any fire suppression in the canopy. Mr. Gottwald stated that there is not and that it is not required. He added that the plan was approved by the fire department as is.

Ms. Chin asked where the columns are going.

Mr. Gottwald stated that they will be on the outside of each column. The columns will land in between on the island.

Mr. Diem asked if the proposed canopy is going to be taller than the existing building.

Mr. Kouriz stated that it will not be higher.

Mr. Kouriz stated that when they applied for the permit 2 years ago for the addition, they were not 100% sure about putting up a canopy. He added that he was not aware of the need for a special permit.

Mr. Luongo stated that the applicant needs to submit a lighting plan showing the lumes and the light spread.

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

Ms. Snow-Eikelberg made a motion to **CLOSE** the public hearing on **Case #3505** and was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Ms. Snow-Eikelberg made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for **Case #3505.**

#### **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:

- No signage will ever be placed on the canopy.
- A lighting plan will be approved by the Planning and Building Departments.

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



**Other Business**

1. Minutes: NONE

2. Upcoming Meetings: June 7, 2023, and June 14, 2023

3. ADJOURNMENT

Ms. Snow-Eikelberg made a motion to adjourn at 10:30 p.m. and was seconded by Ms. Chin. VOTED UNANIMOUSLY.

Approved by:  
Mr. Diem, Clerk



8.9.23  
Date