

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

June 15, 2022 7:00 p.m.
McCulloch Building - Mary McElroy Room
182 Green Street, Weymouth, MA 02191

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2022 AUG 16 AM 11:41

Members Present: Kemal Denizkurt, Acting Chairman
Jonathan Moriarty, Clerk
Brandon Diem
Carsten Snow-Eikelberg
Jon Lynch

Also Present: Eric Schneider, Principal Planner
Janet P. Murray, Recording Secretary

Acting Chairperson, Kemal Denizkurt, called the Board of Zoning Appeals meeting to order at 7:00 p.m. at McCulloch Building, Mary McElroy Room, 182 Green Street, Weymouth, MA 02191, and explained the procedures that would be followed to the people present.

Old Business:

1. Case #3473 - **CONTINUED BY APPLICANT TO 7/13/22** 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
Special Permit	120-13 A (as in effect on December 2, 2021) 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 three automobiles
Special Permit	120-22.12.A Special Permit Uses - funeral home

The subject properties consist of 3 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 St. and the existing dwelling at 19 Cypress St.

2. Case #3472 - CONTINUED BY APPLICANT TO 7/13/22 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.

New Business:

1. Case #3476 -The petitioner, **Hao Luong**, for property located at **39 Weybosset Street** also shown on Weymouth Town Atlas sheet 6, block 53, lot 28, 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 4,983 SF parcel with a single family dwelling. Petitioner seeks to convert a half bath into a full bath, adding a stand up shower.

Mr. Moriarty made a motion to open the public hearing on **Case #3476** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

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

Mr. Luong appeared before the Board. He stated that he is looking to add a shower in the first-floor half bath as his grandparents live with him and it is difficult for them to use the stairs to get to the second-floor bathroom.

Mr. Denizkurt noted that the new stand-up shower will be a 4'4" x 3'4" bump out but will not further encroach on the lot line. Mr. Luong confirmed that this was the case.

Mr. Schneider reported that the home is set on a lot that is less than 5000 SF which is what triggered the need for a special permit. The project does not increase any of the existing nonconformities.

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

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3476**.

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

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

2. Case #3477 - The petitioner, **Brianne Walsh**, for property located at **396 Green Street** also shown on Weymouth Town Atlas sheet 10, block 121, lot 21, 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 7,500 SF parcel with a single family dwelling. Petitioner seeks to demo existing garage & foundation to install a new foundation, garage & second-story living space.

Mr. Moriarty made a motion to open the public hearing on **Case #3477** and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

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

Ms. Walsh appeared before the Board along with her contractor. She stated that they are looking to tear down the existing garage and rebuild the garage with a second-floor addition above the garage with a new foundation. The footprint will be relatively the same. There will be no further encroachment on the side setback. The addition will go two feet further into the front yard but will not go past the existing house footprint.

Mr. Lynch asked about the height of the addition. The height will be similar to the existing house which is under 35 feet.

Mr. Lombardi stated that the eight other Planet Fitness Health Clubs in Massachusetts have this schedule. He stated that this schedule allows for staff to be on site overnight for cleaning. Also, they do not need to ask members to leave. The current hours are 5:00 a.m. to 11:00 p.m. Monday through Thursday, 5:00 a.m. to 7:00 p.m. Friday, and 7:00 a.m. to 7:00 p.m. Saturday and Sunday.

Mr. Lombardi stated that they operate three other clubs in Hingham, Hanover, and Plymouth. He stated that at those clubs during the added hours, there has been no more the ten members. The club is fully staffed with a minimum of two people.

Mr. Schneider stated that the Planning Department has no objection to the 24 hour/5 day schedule. He added that they did not receive any input from abutters or neighbors.

Mr. Lombardi stated that their busiest times are between 4:30 p.m. and 8:30 p.m. for check-ins. He added that length of stay for a members is between 45 and 90 minutes.

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

Ms. Snow-Eikelberg made a motion to APPROVE the special permit request for Case #3478 for a major modification of the original special permit #2440 for a change in operation hours to a 24 hour/5 days schedule with the gym opening at 12:00 a.m. on Monday morning and closing at 5:00 p.m. on Friday afternoon with weekend hours remaining the same. The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

4. Case #3479 - The petitioner, **Christopher Monaghan**, for property located at **1196 Pleasant Street** also shown on Weymouth Town Atlas sheet 27, block 355, lot 2, and **41 Village Rd.** also shown on Weymouth Town Atlas sheet 27, block 355, lot 16 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 23,267 sf parcel with an existing single-family dwelling and a 7,620 sf parcel with an existing single-family dwelling. Petitioner seeks to convey a portion of 1196 Pleasant Street to 41 Village Road.

Mr. Moriarty made a motion to open the public hearing on **Case #3479** and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

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

Christopher Monaghan, 1196 Pleasant Street, appeared before the Board along with Heidi Ragoni, 131 South Street, Hingham, MA.

Mr. Monaghan stated that by conveying this portion of his property, he would be decreasing the size of his lot and increasing the size of the Village Street lot.

Ms. Ragoni stated that she purchased the Village Road property and has been renovating it since just before the pandemic started in 2020. She would like to have this wooded lot as part of her property.

The 1196 Pleasant Street lot would decrease from approximately 23,300 SF to approximately 16,223 SF. The 41 Village Road lot would increase by 7044 SF to approximately 14,044 SF.

Mr. Schneider pointed out that the Pleasant Street property is registered land while the Village Road property is not.

Mr. Moriarty explained the distinction between registered and unregistered land.

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 and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3479.

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

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

Other Business:

1. Minutes: April 13, 2022

Mr. Moriarty made a motion to APPROVE the minutes from April 13, 2022 and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

2. Next Meeting: July 13, 2022 at Weymouth High School

3. Adjournment

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

Approved by:

Mr. Moriarty, Clerk

A large, stylized handwritten signature in blue ink, likely belonging to Mr. Moriarty, written over a horizontal line.

8/10/2022
Date