

BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
JULY 12, 2023, 7:00 p.m.  
Weymouth High School Humanities Center  
1 Wildcat Way, Weymouth, MA 02191

RECEIVED  
TOWN OF WEYMOUTH  
PLANNING & ZONING OFFICE  
2023 SEP -8 PM 4:09

**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 Humanities Center of Weymouth High School, 1 Wild Cat Way, Weymouth, MA 02191 and explained the procedures that would be followed to the people present.

**Old Business:**

**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

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. Diem made a motion to re-open the public hearing on **Case #3497** which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Attorney Ray Jennings appeared before the Board as the petitioner along with Mike Schilling, structural engineer; Eric Schoumaker, site engineer, and Pat Fisher, architect.

Mr. Jennings stated that he would like to address what has happened since the last meeting in regard to the following:

- Finishes
- Engineering details
- Lighting plan
- Landscaping plan

Mr. Jennings stated there was a meeting about the design with the Planning Department as well as a site visit to ongoing projects in town. There was an opportunity to discuss the materials and some changes were made to the plan based upon that.

Mr. Jennings noted that the lighting plan was completed today.

Mr. Jennings reported that Mr. Schoumaker addressed the engineering details, in writing, and also discussed with the Engineering Department the comments that had been made prior to the last meeting.

Mr. Schoumaker presented details about the quality of finishes. He reviewed these details in the plan and on a slide presentation.

Mr. Schoumaker stated that the design plan has seen the largest change, specifically with the exterior finishes and the canopy.

He continued that there was talk about egress, how the canopy would affect the egress, and the canopy supports. He stated that this has been rectified.

There was a question about the mechanicals on the roof. After consulting with the mechanical engineer, Mr. Schoumaker stated that the size of the front roof deck has been decreased by about 300 square feet. This will provide room to enlarge that area next to the front stairwell and have enough area to fit mechanicals.

Mr. Denizkurt asked for the date of the updated plans. Mr. Schoumaker stated that these plans are dated 6/22/2023.

Ms. Chin asked about the plants being shown on the roof plan. Mr. Schoumaker stated that this will be coordinated with the landscape designer once final orientation of the deck area is finalized. He stated that this can be submitted as part of the approval.

Mr. Denizkurt stated that there was a letter from the Water and Sewer Division and Engineering Division dated 6/14/2023 that had a number of items.

Mr. Schneider reported that these items have been addressed in writing by McKenzie Engineering and updated plans addressing those have been submitted. He suggested a condition that references any items remaining on that 6/14/2023 memo.

Mr. Diem noted that the right side elevation between the stair tower and the residential portion that is in the back has a roof level elevation drop. Since this is where the mechanicals are located, he questioned if there would be screening.

Mr. Schoumaker stated that there would be some screening in this area.

Ms. Chin asked for the height of the windows for the studios. Mr. Schoumaker stated that they would be eight feet with the total depth of the window at about two feet. Mr. Luongo asked about specifications on the lighting. Mr. Schoumaker stated that in the lighting plan there is specification for the actual fixtures; they will be 14 foot pole lights.

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 #3497** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

The required height is 45'; the applicant is requesting 50' in some spots and also four stories instead of the required three.

Mr. Schneider stated that the conditions include having the applicant turn in the lighting specification to the planning department as well as screening of the utilities on the roof, which aren't shown on the plan. He also noted that any outstanding questions from DPW or engineering from the 6/14/2023 memo would need to be addressed.

It was noted that the applicant has not yet received Conservation Commission approval.

Mr. Schneider noted that during presentations on previous nights, it was discussed at great length about the justification for a variance with the hardship due to the shape of the lot, the wetlands in the back of the lot with an active river, and the urging of the fire department for a smaller footprint building that can be more easily accessed.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3497**.

#### **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:

- Lighting specifications will be submitted to Planning Department
- Proper screening for roof utilities will be made to the satisfaction of the town
- Outstanding DPW comments on the memo dated 6/14/2023 will be adequately addressed

- Each residential and the commercial unit will be individually metered
- Application will be subject to approval by the Conservation Commission
- 10% of the units (3 of the 28) will be affordable

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

## **VARIANCE**

Mr. Moriarty made a motion to APPROVE the applicant's request for a height variance from the permitted height of 45' and permitted stories in the commercial corridor overlay district to three stories to 50' and four stories for **Case #3497**; finding specifically that a literal enforcement of the provisions of the town of Weymouth Zoning Ordinance would involve a substantial hardship financial or otherwise, to the petitioner. A finding specifically that most of the structure does conform to the 45' height limitation but due to both the fire department's request and the shape, soil conditions, and topography of the lot, including the grade and its slope, presents substantial hardship to the petitioner in accomplishing what is being applied for. The Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The motion was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

**Case #3496 - continued by the applicant to 8/9/23** 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  
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.

A motion was made by Ms. Snow-Eikelberg to CONTINUE the public hearing on **Case #3496** and was seconded by Ms. Chin. UNANIMOUSLY VOTED.

**Case #3502- continued by the applicant to 8/9/23** The petitioner, Pond Street Acquisitions, LLC, for property located at **505 Pond St. & 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. 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.

A motion was made by Ms. Snow-Eikelberg to **CONTINUE** the public hearing on **Case #3502** to August 9, 2023, and was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

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

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

**Recording Secretary:** Janet P. Murray

**Case #3507** - The petitioner, Clear Lake LLC, Darragh Kealey, for property located at **450 Green Street**, also shown on Weymouth Town Atlas sheet 13, block 121, lot 16, located in the R-1 District. The petitioner is seeking to:

Special Permit - 120-39 Continuation of a non-conforming use  
AND/OR

Special Permit - 120-40 Extension or change of a non-conforming use by special permit

The subject property is a 26,020 SF parcel of land with an office and garage building. The applicant seeks to park construction trucks and dispatch them to job sites during the day, and store landscape and construction supplies to be used on applicant's construction company jobs.

Mr. Denizkurt stated that the next item on the agenda is case #3507, 450 Green Street. He noted that the public hearing was closed at the last meeting, which means there will be no further information or testimony taken for this application from either the applicant or the public. The Board will deliberate as to the special permit being sought by the applicant.

Mr. Denizkurt stated that the Board has heard testimony that the applicant, who is a prospective buyer of the property, is looking to ensure that he can conduct his operation on the site under a special permit.

Mr. Denizkurt stated that the use that is being sought is a continuation of the use that was granted a number of decades ago.

Mr. Luongo, Planning Director, stated that the conditions that are before the Board are something that the Town thinks are agreeable to the applicant in the abutters.

There was discussion regarding the following:

- Lighting spilling onto abutter's properties: lighting would point downward and be LED
- Dumpster placement: likely in front of bay #1 which is away from most people's property
- Fence height and arborvitaes

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3507.

### **SPECIAL PERMIT**

This application is for a special permit being granted to allow the applicant Clearlake LLC who's the owner of the property to operate a utility construction business known as Kealey Excavation Company, or some other derivative of Kealey Excavation Company which may subsequently operate around the property. Here and after the said corporation including its successors and or assigns referred to as the business at the property shall be allowed to use the storage yard, as is consistent with the construction, storage yard and vehicle dispatch yard by storing various construction vehicles and equipment for business use such as dump trucks, front end loaders, trailers, compressors, backhoes and excavators, snow plows as well as the storage of construction materials such as steel road plate pipe, granite curb, and concrete block. The business shall be allowed to wash, perform maintenance and repair of the vehicles and equipment at the location. The following conditions will apply:

1. No retail sales or services will be conducted on the site.
2. Hours of operation shall be 5:30 a.m. to 7:00 p.m. Monday through Saturday with Sundays being optional for preparation of Monday's construction work and periodic equipment maintenance
3. Trucks and other vehicles will be started no earlier than 5:45am and will not leave site prior to 6am subject to daylight savings time. The conditions set forth in this paragraph shall not apply in case of an emergency or snow removal
4. No open storage of residential landscape materials and supplies will be allowed. A one day supply of crushed stone and clean gravel for emergency or next day use by the business may be kept on site
5. Residential uses are not permitted on the site. Limited office use is permitted as previously approved by the special permit approved in BZA case #3065.
6. Installation of an electric rolling gate at the Green Street entrance of the lot will be installed within one year of occupancy. The gate shall be closed at all times when the business is not operating from the storage yard
7. Removal of existing hedges that obstruct the sight line of vehicles exiting Thompson Road onto Green Street.
8. Owner agrees to work in good faith with the neighborhood to increase the buffer along Thompson Road as well as the shared property line with 15

Thompson Road. Potential solutions may include the installation of a higher fence and/or the planting of arborvitaes.

9. Owner agrees to have trucks back into the lot at the end of the day to minimize morning beeps.
  10. Owner of the property shall be allowed to lease/rent two of the three garage bays to no more than two other similar type construction contractors subject to the same conditions as set forth herein. The other contractors shall be limited to a total of no more than six additional vehicles. To be stored on site
  11. Any and all maintenance shall be conducted inside one of three interior bays if practical.
  12. The owner shall not permit vehicles owned by the business and its lessees to be stored in the storage yard.
  13. Owner will ensure that any existing lighting on the property is directed onto the 450 Green Street property and away from abutting homes. Similarly, if the owner deems that additional lighting is necessary, said lighting will be focused on the subject property. The owner will use LED lighting which is the standard, or some other standard which may be more practical lighting to use.
  14. Any future expansion of the commercial uses of the property would require approval by the Zoning Board of Appeals.
  15. One dumpster will be shared by the businesses operating on the lot. The dumpster will be emptied no more than once per week and after 9:00 a.m.
- The motion was seconded by Ms. Chin. UNANIMOUSLY VOTED.

**New Business:** NONE

**Other Business**

1. Minutes: NONE
2. Upcoming Meetings: August 9, 2023 - **NOTE AUGUST AGENDA FOR POSSIBLE LOCATION CHANGE**
3. ADJOURNMENT  
Mr. Moriarty made a motion to adjourn at 7:42 p.m. and was seconded by Ms. Chin.  
VOTED UNANIMOUSLY.

Approved by:   
Mr. Diem, Clerk

9.6.23

Date