

BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
September 7, 2022, 7:00 p.m.  
Weymouth High School  
Mary Jo Livingstone Humanities Center  
1 Wildcat Way, Weymouth, MA 02190

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE

2022 DEC 14 AM 11:21

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

**Also Present:** Robert Luongo, Director of Planning  
Eric Schneider, Principal Planner  
Monica Kennedy, Assistant Planner  
Janet P. Murray, Recording Secretary

Chairperson, Kemal Denizkurt, called the Board of Zoning Appeals meeting to order at 7:00 p.m. at Weymouth High School in the Mary Jo Livingstone Humanities Center, 1 Wildcat Way, Weymouth, MA 02190, and explained the procedures that would be followed to the people present.

**Old Business:**

1. **Case #3472- CONTINUED BY APPLICANT TO 10/5/22** The petitioner, 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.

Ms. Snow-Eikelberg made a motion to CONTINUE the public hearing on **Case #3472** and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

**Members Present:** Jonathan Moriarty, Vice-Chairperson  
Brandon Diem, Clerk  
Carsten Snow-Eikelberg  
Nicole Chin  
Russ Drysdale

**2. Case #3473-**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 existing funeral home, the garage and shed at 809 Main Street and the existing dwelling at 19 Cypress Street.

Mr. Denizkurt stated that Ms. Chin will replace another board member who is out of state. Ms. Chin, under the Mullins rule, is able to sit on this case as she has attested that she watched the recording of the previous hearings and read the minutes.

Mr. Denizkurt then recused himself from this case and Mr. Moriarty took his place as chairperson.

Mr. Moriarty made a motion to re-open the public hearing on **Case #3473** and was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Attorney Tocchio appeared before the board on behalf of the applicant. He introduced Scott Golding from his office as well as Gabe Crocker, Crocker Design; Dennis Swart, Dennis Swart Architecture, Ben LaFrance, Hawk Landscape Design; and John & Dennis Keohane, applicants.

Mr. Tocchio reported that they have revised the plans based on meetings held in April and in June.

Mr. Tocchio noted the following changes:

- Addition to the rear has been reduced by 963 square feet
- 23 parking spaces have been eliminated from the R-1 zone
- Impervious area has been reduced by 54%
- House at 19 Cypress Street will remain
- Garage will be four (4) bays rather than five (5) and 180 feet from Cypress Street
- Patio will be reduced by about 15%
- ADA ramp has been relocated
- Retaining walls have been eliminated
- Cedar board fence increased to 8 feet
- Buffer plantings increased
- Light poles reduced from 24 to 16

Mr. Crocker gave an overview of the changes to the design plan.

Mr. Swart gave an overview of the changes to the architecture plan.

Mr. LaFrance gave an overview of the changes to the landscape plan.

Ms. Chin asked about the house on Cypress Street. Mr. Tocchio stated that the house will be sold.

Ms. Chin questioned the use of net square footage vs. gross square footage. Mr. Swart stated that some demolition will take place and wanted to portray the difference between old and new.

Ms. Chin stated that she would like to see the gross square footage on the plans for purposes of zoning.

Ms. Chin asked what the height of the new garage is. Mr. Swart reported that it will be 21 feet from ridge to grade.

Ms. Snow-Eikelberg asked if relief is being sought for the four-car garage as the limit is three. Mr. Tocchio reported that as the garage is an accessory use for the funeral home it can be a part of the current special permit or a separate special permit can be voted on.

Mr. Schneider stated that after discussions with the building inspector, the garage usage can be covered by the funeral home special permit.

Ms. Snow-Eikelberg asked for clarification on parking. Mr. Tocchio stated that the garage will house three of the funeral home vehicles and the fourth bay will be used for equipment that had been previously stored in the shed which will be demolished.

Mr. Diem pointed out that egress is on the south side which abuts the neighbors. He asked why the transfer bay is on the north side abutting the business building. He stated that having activity on the neighbors' side would be intrusive.

Mr. Keohane stated that as people have moved away from church affiliation, they need a larger space to accommodate this change. Currently, the front rooms can hold 50 people while the proposed chapel can hold 125 people.

Mr. Tocchio stated that they have submitted an operational plan which shows how different-size services would be held. The front rooms may be used rather than the rear chapel in certain situations.

Mr. Crocker stated there is not enough room for the parking on the north side.

Mr. Crocker stated that there are currently 84 parking spaces. The minimum required is 80. The proposed is 109.

District 5 Councilor Gary McDougall, 131 Southern Avenue, asked how many spaces are in the R-1 zone. There will be 31 spaces.

Mr. McDougall questioned how a business is allowed to encroach into the R-1 zone. He stated that this proposal is detrimental to the neighborhood.

Attorney Johanna Schneider spoke before the board on behalf of a number of the abutting neighbors. She stated that even with the proposed changes, the proposal is still detrimental to the character of the surrounding neighborhood.

Ms. Schneider pointed out the following as negatively impacting the abutting neighbors:

- Footprint Increased by approximately 5200 SF
- Addition of a 45x60 SF Chapel
- Increased surface parking to 109 spaces
- Addition of a 21-foot commercial parking garage
- Installation of a new 17x 50 SF outdoor patio
- Installment of drainage toward Cypress Street

Ms. Schneider pointed out that the letters of support were submitted by other business owners and that there are no letters of support from the neighbors.

Ms. Schneider requested that the board listen to the neighbors and deny this proposal.

Councilor-at-large Lisa Belmarsh agreed with the previous speakers and encouraged board members to walk the abutting area as it is wooded and actually peaceful even with its proximity to Route 18.

Jim Kirkcaldy stated that he agrees with the previous speakers and pointed out that a parking lot in an R-1 zone is the biggest concern of the neighbors as well as the significant increase in the footprint of the existing building. He stated that he believes that this will have a detrimental impact on the neighborhood.

Mary Beth Bernard, 19 Sargent Road, submitted a document to the board. She pointed out that four (4) special permits are being requested which demonstrate the size and complexity of the proposed project. Ms. Bernard stated that in a survey of 24 local funeral homes, the average building size is approximately 5200 SF on an average lot size of 21,000 SF.

Ms. Bernard pointed out that the kitchenette, although said to be designated for employees rather than used for services, is only accessible from the chapel and the outside which is not close to where the employees work.

Laurie McGrath, 165 Columbian Street, gave multiple examples of why this proposal will be detrimental to the character of the abutting neighborhood. She finished by pointing out that the applicant has stated that they cannot make more people die by building this addition; however, building this addition will attract more people to utilize their facility.

Mr. Luongo stated that in the Medical Service District (MSD) off-site parking is not allowed unless the entity owns or leases the site.

Arthur Cormier, 29 Sargent Road, stated that he was going to discuss traffic but will hold off as there will be further discussions by the town's traffic engineer. He stated that Columbian Street was redone in 2021. According to town regulations, this project cannot open Columbian Street for five (5) years until 2026.

Mr. Cormier continued that the Approval Not Required (ANR) submitted by the applicant before the town's new regulation prohibiting funeral home usage in an R-1 zone went into effect will expire after three (3) years in 2024. Thus, considering the detrimental effect that this project will have on the abutting neighborhood, this project should not be approved.

Owen MacDonald, the town's traffic engineer spoke about the town's severe reservations about the assumptions that the applicant's traffic engineer has made. He stated that the procedure for trip generation looks at what land use will generate for trips using standard references; however, funeral homes are not in that reference.

Mr. MacDonald stated that there are typically multiple wakes but only one funeral at a time. The wakes are generally between 4:00 p.m. and 8:00 p.m. He noted that

there is potential/opportunity for more impact on traffic. He stated that a Sensitivity analysis would look at what might be a reasonable increase; a trip is one entrance into the facility and one exit out; one vehicle makes 2 trips.

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

Charlie Flynn, 192 East Street, stated that he is in favor of this project. He spoke about the importance of that portion of Main Street. He stated that it is important to balance interests. He pointed out that the Keohanes listened to the neighbors on Cypress Street and will not remove the existing residential home. He stated that the funeral home is an asset to the community.

Laurie Frost, a Weymouth resident, spoke in favor of the project. She shared her personal experience with the funeral home's services. She stated that they were amazing. In her case, the turnout for the wake and funeral was large. She expressed dismay that due to the lack of space all those present were not able to be together for the service part of the funeral.

Mack Gosselin, 209 East Street, spoke in favor of the project. He stated that he works in the funeral home and has seen the trend away from services at church. He added that the cremation rate in Massachusetts is almost 60%.

Jonathan Pierce, a hospice chaplain, stated that he is not a resident of Weymouth but spoke in favor of the project. He stated that the chapel is an essential part of the plan as it is the gathering place. He stated that this support and service are beneficial to the town.

Peter Forman, President of the South Shore Chamber of Commerce, stated that he is not a resident of Weymouth. Mr. Forman spoke to the pressures on the small, family-owned businesses that are making investments in the community. He is in favor of this project.

Laura Fallon, 159 Columbian Street, distributed a packet to the board. She stated that this expansion is not appropriate at this specific site due to its large new building and expanded parking into the R-1 and Medical Service District (MSD).

Laurie McGrath, 165 Columbian Street, stated that although the applicant has addressed several individual concerns regarding this project, they have not considered the overarching impact that this expansion will have on the neighborhood abutting the property.

Joan Conkling, 56 Keating Circle, stated that although she does not live near this neighborhood, she is a "townie" having lived in Weymouth for 63 years. She stated that this project is too much for this site. She also expressed concern about the

potential for food to be allowed which could create more nuisances including rodents. She urged the board to vote against the expansion.

Sonia Poulin, 143 Columbian Street, stated that she abuts the land where the applicant proposes to add parking; her property will be adversely affected by the outdoor patio. She described a situation where a group congregated in the general area where the patio is proposed. She stated that there were many people and it became very loud when someone climbed onto the garage roof and shouted tributes. Although she appreciates the value of honoring loved ones, this was a nuisance. She pointed out that all of the expanded features, the patio, the garage, and the additional parking are all placed in close proximity to the abutting residents.

Eric Uluski, 176 Columbian Street, expressed concern about the water main. He stated that this water main will be on Cypress Street which is a private road. He added that Cypress Street is in poor condition with many patches yet there are no plans to repave the street. He continued that the applicant is using a residential street to put in the large water main needed for their commercial site.

Monica Horan, 117 Stonehaven Drive, stated that as a small business owner she supports this proposal. She strongly encouraged compromise.

Kathy Swain, 134 Mill Street, noted that the chapel has seating for 125. She asked about the legal occupancy of the chapel. The applicant was unable to give an answer at this time. Ms. Swain stated that she believes that the applicant is transforming this property and changing the nature of the business. The funeral home has been around for 60 years but past events were typically solemn with only a few exceptions. She asked if the project could build up.

George Berg, 74 Summer Street, stated that he is the current chairperson of the Weymouth Chamber of Commerce. Mr. Berg stated that the funeral industry is changing and this location has been an integral part of the Weymouth community. He stated that he believes it is important to compromise.

Mr. Welch, 20 Cypress Street, stated that although he feels great sympathy and appreciation for what the Keohanes do for the community, he thinks that this expansion is an intrusion into the abutting neighborhood.

Mr. Drysdale made a motion to CONTINUE the public hearing on **Case #3473** until October 26, 2022 and was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

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

3. **Case #3481** - The petitioner, Elizabeth Cameron & Christopher Kilbridge, for property located at **406 Union Street** also shown on Weymouth Town Atlas sheet 55, block 575, lot 3, located in the R-1 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance	120-51	Schedule of District Regulations - side and rear setback
----------	--------	--

The subject property is 15,000 SF parcel of land with a single-family home located on the property. Petitioner seeks to add an attached two-story two-car wood framed garage at the existing driveway with office and storage on the second floor.

Mr. Drysdale made a motion to CONTINUE the public hearing on **Case #3481** to 10/5/2022 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

4. **Case #3482** -The petitioner, Anton Cela, for property located at **352-360 Bridge Street** also shown on Weymouth Town Atlas sheet 7, block 92, lots 5 & 6, located in the B-2 and R-1 Districts. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-27 C	Special Permit Uses by Board of Zoning Appeals - multiple dwelling
Variance		Table 1 Schedule of District Regulations

The site consists of two parcels that are vacant and formerly used as commercial properties. One of the subject properties is a 9,528 SF parcel of land with open parking and a structure. The other subject property is a 24,959 SF parcel of land with a former commercial building. Petitioner seeks to raze all existing structures and build a mixed-use structure with commercial use on the ground level and two levels above totaling 20 units.

Ms. Snow-Eikelberg made a motion to CONTINUE the public hearing on **Case #3482** to 10/5/2022 and was seconded by Mr. Drysdale UNANIMOUSLY VOTED.

#### **New Business:**

1. **Case #3486** - The petitioner, Frank J Mullaney, for property located at **38 Driftway** also shown on Weymouth Town Atlas sheet 3, block 2, lot 10, 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 is a 5,062 SF parcel of land with a single-family home. Petitioner seeks to remove the home and foundation and rebuild the house on the same footprint providing off-street parking for 4 vehicles. This is a modification of case #



3447 that is being resubmitted to the Board of Zoning Appeals as per the Planning Board decision dated 8/9/2022

Mr. Moriarty made a motion to open the public hearing on **Case #3486** 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. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Denizkurt stated that this application had previously been before the Board but the Planning Board determined that this was a substantially different application.

Mr. Schneider confirmed that the Planning board decided that this was a substantially different application than the one previously submitted and that it is non-repetitive.

Attorney Gregory Galvin appeared before the Board along with the applicants and gave an overview of the project. He stated that this proposal calls for the demolition of the existing house and for a new house to be built on a new foundation within the original footprint. This design keeps the cars off the street. The applicant will remove the shed in the rear and rebuild it so that it conforms to town regulations.

The garage width is 18 feet and the deck size will remain the same and not extend further from the house.

Mr. Galvin reported that the neighbors have been notified and Mr. Mullaney stated that he has spoken only to his next-door neighbor.

Mr. Galvin stated that they will file with the Conservation Commission.

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 #3486** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Ms. Snow-Eikelberg made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3482**.

#### **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 Mr. Moriarty. UNANIMOUSLY VOTED.

2. **Case #3487** - The petitioner, Paula Stilphen & Nancy Higgins, for property located at 7 & 11 Hill Street also shown on Weymouth Town Atlas sheet 19, block 254, lots 23 & 26, located in the B-1 & R-1 Districts. The petitioners are 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 4,600 SF parcel with an existing single-family dwelling and a 7,500 sf parcel with an existing single-family dwelling. Petitioners seek to exchange a portion of 7 Hill Street with 11 Hill Street to straighten the common internal lot line.

Mr. Moriarty made a motion to open the public hearing on **Case #3487** 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 Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Stilphen presented a document to the Board. It was marked Exhibit #1.

Mr. Stilphen is looking to redraw the lot line between the two properties. There was an old driveway and sometime in the past, someone changed the lot line. It took away from the land at 11. He is looking to make a 437-square-foot adjustment.

Mr. Denizkurt noted that the easement bisects the front of one lot and goes into the rear of the other lot. It appears to cross over one of the driveways.

Mr. Schneider reported that this can be done through a special permit.

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 #3487** and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3487**.

#### **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: 7/13/2022

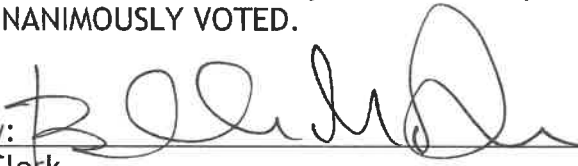
Ms. Snow-Eikelberg made a motion to approve the minutes from 7/13/2022 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

2. Upcoming Meetings: October 5, 2022

3. ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 10:39 p.m. and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Approved by:  
Mr. Diem, Clerk



11.23.22  
Date