

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

October 26, 2022, 7:00 p.m.

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

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE

2023 JAN -6 PM 3: 09

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

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

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 #3472-**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 the existing front porch, excavate the front hillside to create a carport, and raise the roof to accommodate an additional story.

Mr. Moriarty made a motion to REOPEN the public hearing on **Case #3472** which was seconded by Mr. Diem. **UNANIMOUSLY VOTED.**

Mr. Andrew and his son appeared before the Board.

Mr. Denizkurt explained that due to medical reasons, not all board members are able to be present this evening. He pointed out that there will be only four (4) members hearing the case this evening rather than five (5). He informed the applicants that they could go forward with only four members or they can request to withdraw without prejudice which would require a refiling of the application.

Mr. Andrew stated that he would go forward with only four members.

Mr. Denizkurt stated that the main concerns raised at the previous meeting were the height of the building and the accommodation of parking onsite.

Mr. Andrew stated that he submitted a revised plan to the Planning Board which shows the excavation of the front of the property which is shown on Exhibit A-1. It shows the property line and it shows the existing concrete wall that is on the property line which will be removed. He stated that he would like to add a 16 ½ foot long by 16-foot wide, covered carport which would accommodate, tightly, two cars in terms of width.

Mr. Andrew stated that he was not clear about the height concern. He is looking to add a half-floor attic which would increase the roof height from 20 feet to 30 feet from the ground level and from 24 feet to 34 feet, 11 inches from the mean grade. He noted that this would be done within the foundation of the existing house.

Mr. Andrew stated that the house will remain a two-bedroom. The plan would add a carport and raise the roof creating space by removing the sloping ceilings. He added that he has letters from doctors stating that removing the sloping ceilings would be beneficial for his condition.

Mr. Denizkurt reiterated that all parking must be accommodated on the lot and not utilize town property.

Mr. Denizkurt questioned the usage of the increased space on the third floor as only storage space.

Mr. Andrew stated that there is no closet space on the first or second floor and the basement is wet.

Mr. Lynch noted that the height of the 1<sup>st</sup> floor is 8 ½ feet, the 2<sup>nd</sup> floor is 9 feet, and the 3<sup>rd</sup> floor is listed as 13 feet.

Mr. Andrew stated that in discussions with the architect they would use part of the dead space in the attic for trusses and structure as well as HVAC as the basement is not suitable.

Mr. Schneider pointed out that the 35 feet height is measured from the mean grade of the lot. The house is 40 feet from street level to the highest peak. He added that this is an expansion of a pre-existing non-conforming not a variance for height.

Mr. Moriarty noted that the 9-foot front yard setback is decreased to zero. He pointed out that there is a bump out in the back which is not maintaining the existing footprint.

Mr. Diem noted that there is a lally column that essentially makes the carport useable for only one car. He noted that there is no site plan in the current documents.

Mr. Denizkurt stated that there is a soaking tub on the front roof deck. He pointed out that this is not allowed in the front yard by zoning ordinance; it needs to be in the rear yard.

Mr. Andrew stated that he would remove the tub from the front yard.

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

Anthony Annatone, 22 Squanto Road, stated that he is concerned about the parking and the height of the proposed addition. He noted that the requirement for a parking space is 9 feet x 18 feet. He also pointed out that the dormers make the building look like a gigantic monstrosity of a building from street level.

The following residents were opposed to the plan based on letters dated April 12, 2022:

- James Stasinos, 16 Squanto Road
- Mary Gruszka, 18 Squanto Road
- Patrick Deery, 207 Wessagussett Street
- Thomas Tracy, 203 Wessagussett Street

Anne McKay, 176 Pilgrim Road, stated that she does not have any problems with the plans as proposed. She noted that the house is the smallest on the street. She thinks that the plan brings the house to a similar height as others in the neighborhood.

Nancy Cameron, 169 Pilgrim Road, stated that her main concern is if the dormers are allowed that with resale, a new owner could use this as living space.

Mike Wille, 162 Pilgrim Road, questioned if adding the carport changes where the 35 feet starts for measuring the height.

Mr. Schneider stated that height is determined using the mean number based on the slope of the grade.

Melanie Wright, 178 Pilgrim Road, stated that she likes that parking is being added. She is glad to see money invested in the house but would like to see the dormers scaled back.

Mr. Denizkurt stated that he still has concerns about the parking and attic space. He informed the applicant that he needs all 4 votes of the sitting members for this to pass and noted that several concerns have been discussed.

Mr. Andrew clarified that the concerns are:

- Lally column placement
- Size of the dormers
- Sunroom in the back extends beyond the footprint
- Parking arrangement for two vehicles

Mr. Moriarty stated that there needs to be a site plan with more dimensions clearly shown. Also, access to the second bedroom needs to be shown clearly. The size of the parking/carport needs to be reviewed for the size of an average car length and width.

After further discussion, the applicant requested to withdraw the application for Case #3472 without prejudice.

Mr. Moriarty made a motion to ACCEPT the applicant's request to withdraw the application without prejudice for **Case #3472** which was seconded by Mr. Diem. UNANIMOUSLY VOTED.

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

**Not Present:** 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 extent 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 extent 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 the construction of a detached 1,950 SF garage and site improvements to add onsite parking and improve circulation and stormwater management. The applicant proposes to demolish 636 SF of the existing funeral home, the garage and shed at 809 Main Street, and the existing dwelling at 19 Cypress Street.

Attorney Jeffrey Tocchio appeared before the Board on behalf of the applicants. He requested that public comments this evening be restricted to this new plan as there was duplication at the last meeting of comments on previous plans no longer being considered.

Mr. Tocchio pointed out that the new plan would eliminate the patio, shift the garage 15 feet from west to east which is 198 feet from Cypress Street, and move parking spaces as well as remove seven parking spaces. He added that there would be trees, Arborvitaes, and an 8-foot-tall cedar fence along the residential property line. There would now be 17 parking spaces in the R-1 zone.

Gabe Crocker, Crocker Design Group, reviewed what has changed since the last meeting. The number of parking spaces has been reduced from 109 to 105 and the impervious surface reduced by approximately 4000 SF. In addition, the garage height has been reduced to 14 feet and is moved further away from Cypress Street.

Mr. Crocker stated that the stormwater discharge will be directed towards the front of the property, not toward Cypress Street.

Mr. Tocchio reported that the applicant is willing to accept a condition that Cypress Street be repaved as part of the sewer/water line replacement.

Andrew Arsenault, Vanasse & Associates, transportation engineers, stated that the project itself is not expected to result in an increase in traffic. However, in coordination with the Planning staff, they worked to develop a sensitivity assessment for the key intersections located near the proposed project. He reviewed this assessment.

Dennis Swart, DJSA Architecture, reviewed the revisions made to the previous plan. He noted that fire protection would be added to the facility. There will be a second means of egress from the second-floor office space.

Mr. Swart stated that the transfer bay needs to be adjacent to the transfer lift which is why they were not able to move the entrance away from the residential neighborhood. He added that this bay is best suited away from the residential zone as this has the potential for 24/7 use.

Mr. Swart clarified that the height of the garage would be 17 feet 7 inches to the top pitch.

Mr. Tocchio stated that they would use residential materials on the exterior of the buildings.

Ben LaFrance, Hawk Design, reviewed modifications to the landscape plan. He noted that the amount of lighting fixtures has been reduced from 24 to 16. He added that they have glass refractors that distribute light around the fixture and are non-dark-sky

compliant. They are meant to maximize the amount of light put out. There is no light spill onto adjacent properties.

Dennis Keohane, co-president of the funeral home along with his brother John, addressed the need for the chapel.

Mr. Tocchio reviewed the overall project and the required five criteria for approval.

Mr. Luongo stated that a memo was distributed to the Board from the town's traffic engineer, Owen MacDonald. Mr. Luongo stated that in the memo, Mr. MacDonald generally concurs with the traffic engineer's findings based on their assumptions that the way the funeral home operates today is the way the funeral home will operate in the future. However, Mr. Luongo continued that he finds this assumption difficult to believe as noted with churches closing, there will be some increase in usage.

Mr. MacDonald stated that there is no known research into trip generation for funeral facilities.

Mr. Tocchio stated that they did actual counts on this facility and then added 40% to that number. He added that there will be the same variability as to how many people die and how busy a particular person's service would be.

Mr. Moriarty stated that he looks favorably on the changes to this current plan. He asked about capacity. Mr. Tocchio reported that the full capacity of the chapel is 200 based on 7 people per square foot but the seating plan would be set up to seat approximately 103-125 people depending on the layout.

Nicole Chin stated that the exterior layout and circulation are confusing as is the location of the main entry. She expressed concern that with the main entrance on the side but the carport in the front, people may not know where to go.

Mr. Arsenault stated that traffic would be less as there would likely be fewer funeral processions in the future.

Mr. Diem stated that he appreciates the changes and clarifications. He questioned the tree plantings and that mature trees be planted.

Mr. Keohane stated that the front entrance facing Route 18 will not be used. Although in extreme weather, a valet could be utilized. He also noted that signage could be used to direct people through the site.

Mr. Tocchio stated that the house on Cypress Street will be sold.

Mr. Keohane stated that a family could have catered food after the service but they would not be providing that service. He agreed that no liquor being served could be a

condition. He stated that he thinks serving coffee, tea, and pastries after service would be the most likely scenario.

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

Gary MacDougall, District five councilor, asked about cutting into Cypress Street to access water. He pointed out that a street cannot be reopened for 5 years after a project.

Mr. Tocchio stated that they could put in underground tanks instead to use for fire suppression. He pointed out that they would be using private dollars to improve a private way, install a hydrant, and update water services.

Lisa Belmarsh, Councilor-at-large, stated that she supports the neighbors' opposition to this project as it is detrimental, a nuisance, and not in keeping with the character of the neighborhood. She stated that the applicant should stay within their own footprint

Joanna Schneider, an attorney representing several of the neighbors and abutters spoke about the revised plan. She noted that although changes have been made, several major concerns still exist:

- There are still 17 parking spaces in the R-1 zone.
- There is a 1500 SF 4-bay commercial garage.
- The entrance into the building is still facing Columbian Street
- The size of the project is 11,000 SF of commercial use

Laurie McGrath, 165 Columbian Street, stated that she is speaking as a representative of the neighbors and neighborhood. She listed the reasons why the plan is not in the best interest of the neighbors.

Bill Coyte, 22 Sargent Road, discussed why buildings along Route 18 can go to six floors.

May Hay, 19 Sargent Road, pointed out that if clients are allowed to bring in caterers, people will stay longer and more people will come.

Mr. Keohane stated that they are not planning to offer catering and would be willing to accept this as a condition.

Margaret Nolan, 55 Jaffrey Street, spoke in favor of the project. She stated that funeral homes are a place for people to gather to remember their loved ones.

Francesca DiVito, 1016 Pleasant Street, Unit 45, stated that she is an employee of Macdonald Keohane and believes that this project is needed.

Attorney Tocchio agreed public hearing should be closed to public testimony but confirmed proposed conditions from petitioners and neighbors will still be accepted and considered by the board.

Mr. Diem made a motion to CLOSE the public hearing on **Case #3473** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Attorney Schneider submitted proposed conditions from the neighbors

Mr. Diem made a motion to CLOSE the submission of evidence on **Case #3473** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Mr. Diem made a motion to TAKE UNDER ADVISEMENT **Case #3473** until November 16, 2022, which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

**3. Case #3488 - CONTINUED BY APPLICANT TO 11/16/22** The petitioner, Ryder Development Corp., for property located at 247-261 Pleasant Street also shown on Weymouth Town Atlas sheet 46, block 531, lots 8 & 9, located in the Open Space District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-37.1	reuse of surplus public and quasi-public properties
Special Permit	120-40	extension or change by special permit

The subject property is a 114,688 SF parcel of land with a vacant church rectory with a separate garage and a large parking lot. Petitioner seeks to remove the garage, renovate, and move the rectory for separate residences and construct 14 separate single-family homes with added landscaping.

#### **New Business:**

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

**1. Case #3361** Major Modification - The petitioner, Letran Enterprises LLC, for property located at 254 Washington Street also shown on the Weymouth Town Atlas sheet 20, block 282, lot 1, located in the B-1/R-1 Zoning District. The petitioner is seeking to convert the first floor from commercial to residential.

Mr. Moriarty made a motion to open the public hearing on **Case #3361** 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.

Attorney Ray Jennings appeared before the Board with the applicant. He reviewed the details of the building, noting that the applicant was before the Board in 2017 and was granted a special permit to rebuild the building after it burned to the ground. Mr. Jennings stated that Mr. Lee has had the first-floor commercial space on the market for the past two years. He has not been able to fill the space so he is requesting a special permit for residential use on the ground floor.

Mr. Jennings stated that there is office space on the basement level. The ground floor has the same basic layout as the second floor. The units have 2 bedrooms, 1 bathroom, and a kitchen. He added that residential use is less intensive than retail. There are currently 8 parking spaces available on site. The two residential units need a total of 4 spaces. There is a storage building in the rear which Mr. Lee uses for his hardwood floor business.

Mr. Jennings submitted Exhibit # 1 which is the layout of each floor. He noted that there is a more current layout which he will submit.

Mr. Luongo asked about the office space in the basement. Mr. Jennings stated that it is used as an office and will not be used for retail purposes

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 #3361** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to APPROVE the request for a Major Modification of **Case #3361**.

**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:

- The basement space is only used as office space and is not to be used for any other retail or commercial use.

The motion was seconded by Ms. Chin. UNANIMOUSLY VOTED.

**Case #3490 - CONTINUED BY APPLICANT TO 11/16/22** The petitioners, Jon Willis & Jeannine Fabian, for property located at **194 Broad Street** also shown on Weymouth Town Atlas sheet 20, block 219, lot 12, 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 9,692 SF parcel of land with a single-family home. Petitioner seeks to add a two-story addition to increase the living space. This will extend the existing nonconformity in the sideyard setback.

The applicant has requested a continuance to the November 16, 2022, meeting.

Mr. Moriarty made a motion to CONTINUE the public hearing on **Case #3490** to November 16, 2022, which was seconded by Mr. Diem. UNANIMOUSLY VOTED.

**Other Business**

1. Minutes: NONE
2. Upcoming Meetings: November 16, 2022
3. ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 10:40 p.m. and was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Approved by:   
Mr. Diem , Clerk

1.4.23  
Date