

2024 FEB -6 AM 8:21

Board of Zoning Appeals Meeting
Wednesday, November 15, 2023 - 7:00 p.m.
Town Hall - Council Chambers
75 Middle Street, Weymouth, MA 02189

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 Town Hall Council Chambers, 75 Middle Street, Weymouth, MA 02189 and explained the procedures that would be followed to the people present.

Old Business:

1. **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. 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 reopen the public hearing which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Denizkurt asked the applicant if they would be doing a presentation of a conceptual design for the property to gauge reaction.

Patrick Cleary stated that this is correct and introduced Mike Davenport, his business partner. They are here on behalf of Pond Street Acquisitions LLC.

Mr. Cleary reviewed the proposal thus far. He stated that it was extremely helpful to hear the board's comments on May 17, 2023, as well as those from the neighbors at the hearing and at the neighborhood gatherings.

Mr. Cleary continued that in the six months following that hearing, they have been working with their consultants and tenants to do their best to address as many of the comments received. They are here tonight to present a revised plan that they hope will be agreeable. He pointed out that there is still quite a bit of work to do with the civil engineers, architects, and traffic consultants. He further stated that if this conceptual plan is acceptable, they will reengage with those professionals and submit a new official project package.

Mr. Cleary reviewed the new plan and walked the Board through some of the comments that they have attempted to address. He noted that the most consequential comment received at the last hearing was the concern that the overall project size of 17,000 square feet might be too large for the site. Looking at the redesign plan, the most glaring change made is to take the single family house property out of the retail project entirely. This takes the overall retail site area down from 2.08 acres to 1.62 acres, which is about a half-acre reduction. This reduces the overall square footage from 17,275 square feet to 11,125 square feet.

Mr. Cleary stated that they have replaced the former 9600 square foot building on the north side of the property with a free standing smaller 2325 square foot building. The property on the southern side of the property is about 8800 square feet. This is a reduction of 6150 square feet overall which represents 36% of the project size.

Mr. Cleary addressed the concern about the space that is not committed to, or under lease to either Chipotle or Starbucks. That space in the previous plan accounted for 12,400 square feet which has been reduced to 6210 square feet. He pointed out that on the property today is a two story 41,000 square foot building, which would be reduced by 75%. That building is about four times the size of the square footage that would be proposed under this new concept.

Mr. Cleary noted that the two buildings have been sited closer to the center of the site and made the site streamlined and straightforward as well as pedestrian friendly.

As to the dumpster, Mr. Cleary stated that they have relocated the dumpster on the southern side of the property abutting the single family home lot with the intent for it to be much more easily accessible for trash removal, and not interfere with cars that are parking close by.

Mr. Cleary stated that the buildings have been squared to face route 18 entirely. Mr. Cleary informed that Board that they were successful in convincing Starbucks and Chipotle to flip their locations; Starbucks has been moved to the southern portion of the site, allowing their queue to be farther away from Pond Street. He added that Chipotle has what they refer to as a mobile order pickup window where there are no

microphones to order food. There is little to no queuing that takes place. Any queuing that might occur can be addressed by the manager informing patrons to pull into a parking space to wait for their order.

Mr. Cleary stated that they have been engaging with the town's peer reviewer and talked to the planning staff and collectively thought it may make some sense to press pause on that peer review, while they review potential changes.

Mr. Cleary noted additional benefits for the redesign:

- Jessica Lane setbacks will increase from 50 feet to 150 feet to the side property line and from 70 feet to 100 feet to the rear property line.
- Nelson Road setbacks will increase from 50 feet from Nelson Road to 107 feet away from the rear property line and from 48 feet to 80 feet off of Nelson Road.
- Nelson Road area will have a 3200 square foot landscaped buffer with existing mature trees to remain.

Mr. Cleary stated that reducing the size of a project by 36% was not an easy task; to keep the project economically viable they are proposing to add an additional single family home lot to the Jessica Lane side of the property at 1537 Main Street. The limited business zoning district contemplates single family home lots that are 10,000 square feet in size. The 1537 Main Street property is just shy of that 20,000 square foot number. They would be looking to do is redraw the property line between the house lot and the retail project to make up for that discrepancy. This would enable them to then subdivide that 1537 property into two 10,000 single family home lots.

Mr. Cleary continued that the existing home that sits on the site today has its driveway on Main Street, which is an extremely unsafe location for access. It will become even more unsafe as the curb cut is reconfigured. He pointed out that historically, this property has used Jessica Lane as a point for their driveway. They would propose to make that point, a permanent location for the driveway. He added that neither of these two single family home lots would either give access or have any access or easements with the retail property.

Mr. Denizkurt asked about the queue for Starbucks.

Mr. Cleary stated that they can provide a cue plan. He noted that they believe that the point where it starts to come together in the rear is about 14 or 15 cars for the Starbucks side. The chipotle side would allow for seven cars, even though Chipotle is saying that they do not need any more than one, two or at most three.

Mr. Denizkurt asked if the applicant is proposing to build homes on the two lots or sell them as buildable lots.

Mr. Cleary stated that they are contemplating keeping the existing house that is on the front parcel. However, they are likely to sell them to a home builder, and whether

that home builder keeps the existing house or tears it down is not known as there is no deal in place with anybody.

Mr. Moriarty asked if building B is proposed to be Starbucks.

Mr. Cleary stated that the southern portion of that building is going to be Starbucks and will be about 2400 square feet.

Mr. Moriarty expressed concern regarding vehicles in the morning that are heading north on Route 18 towards the highway and then getting back onto Route 18 to continue heading north.

Ms. Chin stated that, overall, she thinks the circulation has roughly improved, but commented about moving the dumpster location, if possible away from the newly subdivided parcel.

Ms. Snow-Eikelberg stated that she agreed with the concerns expressed. She questioned the location of the dumpster.

Mr. Diem pointed out that some of the inherent issues regarding the traffic and the circulation outside of the site are still an issue. He stated that he is not convinced that the entrance off Main Street is viable.

Mr. Cleary stated that they will definitely bring their traffic engineer back and work with the peer reviewer to address those comments. Then, after a decision by the board, there would still be a very long process to go through with the Massachusetts Department of Transportation (MA DOT) for that access point.

Mr. Denizkurt stated that he still has unanswered concerns regarding traffic and the queuing on both entryways: one heading north on Route 18 and the other heading south on Pond Street and how that might back up to Nelson Road. He also expressed concerns about having two drive up facilities on one lot.

Mr. Cleary stated that the real estate manager for this region at Chipotle has offered to appear before the Board to explain how it functions.

Mr. Moriarty questioned if the Chipotle business model for orders is all online.

Mr. Cleary stated that all ordering is online, and payment is made in advance.

Mr. Schneider stated that depending on how things go tonight, efforts will be reinvigorated on both sides. He added that he would like to see a representative from Chipotle at the next meeting.

Mr. Luongo suggested having another community meeting to discuss details before they come back for the next hearing.

Mr. Denizkurt stated that they did receive a letter today from Weymouth Town Councilor John Abbott. The letter stated:

“Members of the Board of Zoning Appeals (BZA), I am writing in opposition to the updated proposal for development for the former Factory Paint property at the corners of Main Street and Pond Street. At the initial BZA meeting, there were significant concerns raised about the original proposal, including two structures, two drive throughs, and a main entry to the property on Pine Street close to the intersection of both Main Street and Nelson Road. The revised proposal now includes up to four structures and maintains both drive throughs and the entrance on Pond Street. There is simply no way for development of this scale not to have a detrimental impact on the surrounding residential neighborhood.”

James Pierce, Beverly Court, stated that this proposal makes lots of changes the Board was concerned about, but it does not address any of the concerns that were presented by the neighborhood. He expressed concern about the entrance off of Route 18. He pointed out that this road is a 50/60 mile per hour road, and he is concerned about vehicles attempting to exit left across traffic. He added that there is already so much traffic at the intersection.

Mr. Pierce suggested that a new set of lights be created at the intersection to make it a five-way intersection and that is where you enter into the proposed project.

Nancy Morovitz, Nelson Road, agreed with the previous speaker. She pointed out that there is a CVS at this intersection with islands to stop people from taking the left down Route 58. She reported that she has seen people repeatedly go the wrong way, on oncoming traffic, because they can't physically take the left, but they're going to take the left anyway. She noted that she has a list of concerns that she would like to submit.

Ms. Morovitz asked about delivery trucks.

Mr. Cleary pointed out on the map the hatched area in the rear that is for deliveries.

He stated that they would look to arrange deliveries so that they would not be in large 18 Wheelers but rather in smaller box trucks. He noted that deliveries can also be scheduled at off peak hours.

Ms. Morovitz asked if there was more than one delivery happening at the same time. She pointed out that since there will be multiple buildings there will potentially be more vendors.

Mr. Cleary stated that they would try to arrange with the tenants that they would have off peak hour deliveries.

Ms. Morovitz acknowledged that the traffic study has not been completed but expressed similar concerns that have been previously mentioned.

Ms. Morovitz submitted her list of concerns which was marked Exhibit A.

John Lanner, Thicket Street, questioned the timing of the deliveries.

Mr. Denizkurt stated that the Board can condition the hours of operation.

Mr. Cleary clarified by off peak hours, he was referring to peak hours being the peak traffic hours of the morning commute and the afternoon commute. Off peak hours would be after the morning and before the afternoon commute.

Mr. Lanner stated that he lives on Pond Street which is less than a half mile from this location. He continued that ever since Pond Street and Route 18 were redone, and more properties were developed, there were more and more people every day coming from Abington, Whitman and beyond that go across Route 139 and come down Thicket Street. He noted that he has to wait to get out of his driveway. Mr. Lanner stated that the speed of drivers and the volume of cars has increased eight to ten-fold in the 30 years that he has lived there. He also noted an increase in traffic accidents.

Mr. Lanner stated that the intersection, as it is now, has too long of a wait time for cars traveling southbound on Route 18, turning onto Route 58 that people are going straight through the light, cutting across Route 18, and cutting through the bank parking lot.

Mr. Lanner also pointed out that a very well-known pizza store from Maine opened on Trotter Road. He stated that there are additional available retail spaces as well which will add to the traffic.

Mr. Cleary stated that they recognize that there are issues with the traffic light sequencing and timing of certain movements and turning signals. As part of the mitigation for this project, there will be a proposal made for retiming of not only the Pond Street light but the Trotter Road light as well.

Krista Doyle, Nelson Road, stated that she had submitted photos at the last meeting and has continued to take photos every day, all day, at different times of the week that show Nelson Road being blocked. She noted that she has a stack of pictures. She pointed out that there are other businesses in the area as well as school bus stops where this Starbucks is being proposed. She submitted the pictures to the Board.

Bob Joyce, Jessica Lane, asked if the house on the corner will only be zoned for residential or mixed use.

Mr. Denizkurt stated that it would be a single family with no business use allowed.

Mr. Luongo stated that the lot would be subdivided to create the two house lots under the zoning. He noted that a special permit would be required, and it would be two single family houses.

Mr. Joyce asked that the applicants maintain the property better. He noted that he had to send emails, twice, because it was very hard to walk on Route 18.

Mr. Luongo asked the applicant if they would be willing to have another community meeting with the developers to delve into the details before the next meeting.

Ray Blake, Jessica Lane, asked about the homes to be built as to their size, quality, and affordability. He asked if the Board had any authority.

Mr. Denizkurt stated that the Board can restrict it so that it is only single family but cannot restrict affordability.

Mr. Joyce asked if the property that the house is on is currently zoned commercial.

Mr. Luongo stated that it is zoned B-1, and a single family home is allowed by special permit. The zoning does not need to be changed. He noted that they could propose a zoning change, to change those into single family houses, which would give a little bit more assurances to the residents in the neighborhood that in future years, they would not morph into something else, because the B-1 zone allows for a lot of different uses.

Mr. Denizkurt asked how the applicant wanted to proceed.

Mr. Cleary stated that they are willing to meet with the residents but noted that most of the questions involve traffic.

Mr. Luongo noted that the buy in seems to be if the applicant can mitigate the traffic impacts. He reminded the Board and the residents that the applicant is paying for a peer reviewer to view both their traffic engineer's work as well as the town's traffic engineer's work, which provides a third set of eyes on the project. MA DOT will also be involved.

Mr. Luongo stated that they need to get a reading from the neighbors to see if they are happy with the shrinkage of the size of the retail, the two residential units on Jessica Lane, and the setbacks from the neighborhood.

Mr. Moriarty made a motion to continue the application to January 31, 2024, which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

2. Case #3511 - The petitioner, **864 Broad Street, LLC**, for property located at 864-884 & 890 Broad St., also shown on Weymouth Town Atlas sheet 23, block 253, lots 14

& 16, located in the B-2 District in the Lower Jackson Square Overlay District. The petitioner is seeking to:

Special Permit	120-25.39 Applicability
AND/OR Variance	120-25.41 (C & D) Intensity of Use

The subject property is a 34,903 sf parcel of land with commercial structures used for a variety of commercial uses including funeral home, barber shop, law office and tanning salon. The applicant seeks to construct a new mixed use building with retail on grade level and 64 residential units and 218 parking spaces.

3. **Case #3512** - The petitioner, **910 Broad Street, LLC**, for property located at 910 & 920 Broad St., also shown on Weymouth Town Atlas sheet 23, block 253, lot 17, located in the B-2 District in the Upper Jackson Square Overlay District. The petitioner is seeking to:

Special Permit	120-24.41 Intensity of Use
AND/OR Variance	120-25.42 Required Parking Spaces

The subject property is a 17,812 sf parcel of land with multi-family residential structures. The applicant seeks to construct a new mixed use building with retail on grade level and 42 residential units.

4. **Case #3513** - The petitioner, **910 Broad Street, LLC**, for properties located at 881, 899 & 909 Broad St. and 1404 & 1406 Commercial Street, also shown on Weymouth Town Atlas sheet 25, block 305, lots 1, 10, 9, 11 & 4, located in the B-2 District in the Lower Jackson Square Overlay District. The petitioner is seeking to:

Special Permit	120-24.41 Intensity of Use
AND/OR Variance	120-25.42 Required Parking Spaces

The subject property is a 26,552 sf parcel of land with commercial structures used for a variety of commercial uses including a restaurant. The applicant seeks to construct a new mixed use building with retail & a garage on grade level and 63 residential units above.

5. **Case #3514** - The petitioner, **1409 Commercial Street, LLC**, for properties located at 1409 Commercial Street, also shown on Weymouth Town Atlas sheet 23, block 306, lot 11, located in the B-2 District in the Lower Jackson Square Overlay District. The petitioner is seeking to:

Special Permit	120-24.41 Intensity of Use
AND/OR Variance	120-25.42 Required Parking Spaces

The subject property is a 9,842 sf parcel of land with a commercial structure. The applicant seeks to construct a new mixed use building with retail & a garage on grade level and 31 residential units above.

Mr. Denizkurt stated that the next matters before the Board are four cases that are that are being heard together representing the Jackson Square redevelopment: case numbers 3511, 3512, 3513, and 3514.

Edward Fleming appeared before the Board on behalf of the applicant, Eric Papachristos. He also introduced Eric and Jerry Kavanaugh, Daniel Riggs from Embark as well as Michael D'Angelo from the landscape architect company.

Mr. Fleming gave a highlight of the issues from the last meeting on October 11, 2024. He continued that the goal tonight is to give an overview of the direction that this project is moving since the last meeting and highlighted the issues as follows:

- Rice Tavern
- Building A vehicle access
- Parking for Building B
- 5th floor for Building C
- Shadow Study of Broad Street
- Building C Design and Streetscape
- Overall Landscape Plan
- Niko's Landscape buffer at herring run
- Street section

Mr. Fleming stated that Embark is not ready with their plans, so that they will not be able to share the revised plans related to building C or some of the more detailed images related to the streetscape.

Mr. Fleming stated that there was a meeting of the Historical Commission where certain historic significance was discussed related to the Rice Tavern and that matter has been continued so that no permits will be issued on that particular building for a period of six months. A request was made for additional analysis be done and work be done to ensure the safety or the protection of the historic significance of the Rice Tavern. He continued that this effort is underway as Mr. Papachristos and his team are continuing to have discussions with the town. There have been discussions about the possibility of moving the building to another location.

Mr. Riggs provided a high level overview using slides to indicate where the proposed changes are being considered:

- Building A access will not be from Lovell Field parking lot. The curb cut access will align with the access for Building B.
- The stormwater system would remain essentially unchanged.

- Building B has added parking. Although the water table is fairly high, at the owner's expense, they have explored adding a basement level for 19 parking spaces.
- Building C, which is the central building to the project, was five stories with affordable units. The height of this building will be reduced by removing the fifth floor. With increased efficiency of both Building C and A, eight units will be relocated to Building A. The project still has 200 units.
- Shadow study will be reviewed at the next meeting showing the reduction in shadow on Broad Street with the reduction in height of Building C.

Michael DeAngelo, landscape architect with MDLA, gave a landscape presentation to the Board:

- Widened sidewalks
- Street trees at 30 feet on center
- Decker band that runs along the curb
- Lighting being developed with the town for a standard for the streetscape
- Mid-block crossing, which will help slow down traffic and also create a safe experience for pedestrians
- Green edges
- Rain gardens, and other sustainable strategies
- Buffer along Building B and C along the brook with a 20 foot wide landscape buffer
- Addition of a stone dust path and bench along the brook
- Existing roadway remains the same at 37 feet
- Area for street trees, benches, bike racks, decorative paving, and lighting

Mr. Denizkurt stated that he liked what has been done with the repositioning of the entryway for parking and the additional parking. He stated that he would like to see a development plan that will indicate what building would be built first. He stated that his goal would be to ensure that there is always sufficient parking for whatever is being built.

Ms. Snow-Eikelberg asked for clarification about the units that are moving from building C to building A. Building C will be reduced by one story but will Building A stay the same height.

Mr. Fleming stated that it is a reconfiguration of the exterior and adding square footage to the fourth floor. He did not have specifics yet. Buildings B and C will be four stories and Building A will be five stories.

Mr. Diem stated that the phasing plan and how the parking will be addressed during the different phases is an important document to develop to ensure that they are not undershooting the parking requirement once Building A is up and functional.

Ms. Chin questioned the change made to Building A with it coming off of that side street.

Mr. Cleary stated that there is a slightly longer run to help make this work.

Mr. Fleming stated that significant work was done by the site engineer dealing with the drainage based on that regrading. The plans were initially discussed with the Conservation Commission and revised plans will be filed.

Ms. Chin asked about potential building signage as there will be a lot going on there. She stated that she would like everything to be clearly labeled and traffic directed appropriately, down the street.

Mr. Denizkurt noted a new set of plans is being developed and the Board is awaiting additional information on the following:

- Traffic
- Parking
- Stormwater
- Landscaping plan
- Construction management plan to include phasing of parking
- Street scape plan

Mr. Schneider stated that there was a very productive meeting on Monday with the architectural team and the Weymouth Fire Department and that conversation is going to continue.

Mr. Moriarty asked about the construction of the access bridge at herring pond.

Mr. Luongo stated that this bridge has nothing to do with this project.

Mr. Luongo stated that there should be final plans and specifications for the pedestrian bridge in December of this year. The bid should go out in January 2024. He pointed out that this is a public works project for the city.

Eric Dresser, 72 Rustic Drive in South Weymouth, stated that he spends a lot of time at that soccer field. He questioned the one way street and the angled parking on the street next to the post office. Mr. Dresser explained how he drives to the soccer fields and noted that making this street one way could potentially cause a traffic problem.

Mr. Schneider stated that Commercial Street, as part of this plan, is proposed to be a one way. He pointed out that the advantage of that pedestrian bridge that has been discussed would prevent the need to make any turns as you would go straight to park at the MBTA parking lot.

Mr. Dresser stated he wanted to make this point because he understands that the bridge is not related to or contingent on this project.

Mr. Luongo stated that the town, with cooperation from several businesses in Jackson Square, contributed money to a traffic master plan that was completed. There are short, medium, and long term improvements being proposed in the master plan. He continued that when the application comes back, they will, through their traffic engineer, be talking about short term improvements. Taking that left hand turn onto Pleasant Street from Broad Street is difficult so they are proposing some interim improvements to make those flows easier. He added that the town is not willing to budge on that portion of Commercial Street, between Broad Street and Water Street; it needs to be one way headed down towards Water Street. This will help to create additional on-street, angled parking.

Mr. Luongo stated that the town has another public works project in the works, which is the reconstruction of the Commercial Street Bridge by Herring Pool Park. The project should go out to bid late this winter.

Mr. Moriarty asked about the availability of the updated plans before the next meeting.

Mr. Fleming stated that the plans will be ready prior to that meeting.

Mr. Moriarty made a motion to continue the public hearing until December 6, 2023, and to set up a special meeting for December 13, 2023, which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

New Business:

1. **Case #3515** - The petitioner, David Sirois, for property located at **11 Morell Street** also shown on Weymouth Town Atlas sheet 6, block 69, lot 4, located in the R-1. The petitioner is seeking to:

Special Permit 120-40 Extension or change of a non-conformity

The subject property is a 6,000 sf parcel of land with a single family home with a one car garage. The applicant seeks to remove garage and rebuild a family room & ½ bath.

Mr. Moriarty made a motion to open the public hearing on **Case #3515** 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.

David Sirois appeared before the Board. He stated that he has a garage that is about 14 by 18 ½ and it is not being used for anything. He stated that they need more space for their growing family. He continued that he would like to tear down the garage and build an addition with a family/rec room. He then noted that when the garage is torn down, they will not meet the side yard setback.

Mr. Denizkurt noted that the existing structure is five feet eight inches off the property line. He asked if they would be going any further.

Mr. Sirois stated that they are not going to go any further towards the neighbors. He will be going back a little bit. He added that the addition will be attached to the main house and will have living space and a bathroom.

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 #3515** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for **Case #3515**.

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

2. Case #3516 - The petitioner, Michael Munichello, for property located at **59-61 Sagamore Road** also shown on Weymouth Town Atlas sheet 7, block 25, lot 58, located in the R-1. The petitioner is seeking to:

Special Permit 120-40 Extension or change of a non-conformity

The subject property is a 10,106 sf parcel of land with a two family home. The applicant seeks to add a single story addition to rear of the home.

Mr. Moriarty made a motion to open the public hearing on **Case #3516** 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.

Michael Munichiello stated that he is looking to get a special permit to build a single story off the back of the house to add one bedroom and one bathroom to each unit. He noted that he will not encroach on the sideyard setbacks. Each unit is 800 square feet.

Mr. Munichiello stated that he and his brother bought the house and will redo the whole house so that they can live there. He continued that his sister and her family would like to rent the other side with her boyfriend and daughter but there needs to be more space.

Mr. Munichiello stated that this is a preexisting legal non-conforming two family and that the addition will go straight back off the existing house to the rear. This will add a bedroom, a bathroom, and a hallway to increase the living space of the existing two units and will not add a third unit.

Ms. Chin stated that there appears to be a dividing line on the porch and questioned the egress stair.

Mr. Munichiello stated that both porches will have their own egress.

Mr. Schneider suggested that in the decision of the Board a condition be included that this special permit will not increase the number of units available in the house; there will be only two units.

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

Mr. Moriarty asked about the driveways. He questioned if there is an existing problem with any parking.

Mr. Munichiello stated that he is not having any issues with the parking. He noted that the driveway on the left side facilitates three cars and the driveway on the right side facilitates two cars.

Mr. Moriarty asked if the units will be the same size with the same living space once completed.

Mr. Munichiello stated that they are exactly the same size. He stated that the width of the house is 32 feet and 16 feet back. He will keep the dividing wall that is already in the center of the house to separate the two hallways

Mr. Moriarty asked for the depth of the driveway on the left side of the dwelling.

Mr. Munichello stated that he was not sure how deep it was. He noted that they had a 15 yard dumpster in there without encroaching onto the street or going past the driveway. He stated that there are no shared driveways.

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

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3516**.

Mr. Moriarty made a motion to close the public hearing on **Case #3516** which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

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 condition will apply:

- The addition has to be incorporated into the existing two units and does not represent an increase in the allowable number of units.

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

3. Case #3517 - The petitioner, Antonio Teixeira, for property located at **31 Park Avenue** also shown on Weymouth Town Atlas sheet 45, block 521, lot 8, located in the R-1. The petitioner is seeking to:

Special Permit 120-40 Extension or change of a non-conformity

The subject property is a 13,731 sf parcel of land with a two family home. The applicant seeks to renovate existing 2-family dwelling and remove existing garage and replace with new 3-car garage.

Mr. Moriarty made a motion to open the public hearing on **Case #3516** 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. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Teixeira stated that they would like to add another bedroom upstairs and also demolish the existing garage and add a three-car garage in the back.

Mr. Denizkurt stated that this is a legally non-conforming two-family home. He added that this property is located in an R-1 zone and that the applicant is looking to build an addition off the back on the second story. This addition will fill in what currently exists below on the first floor. The addition will not encroach on the sideyard setbacks.

Mr. Denizkurt stated that the plans show a bathroom in the garage. He indicated that this is not allowed per town zoning regulations. He further added that there is to be no sewer service to the garage and that the space above the three car garage would be non-livable space and used just for storage.

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

Mr. Schneider suggested that the same condition be added that the additional living space does not represent an additional unit.

Mr. Diem asked if there is a maximum building height for detached accessory use.

Mr. Denizkurt stated that it is a maximum of 21 feet.

Ms. Snow-Eikelberg noted that the proposed height is 20 foot 10 inches.

Mr. Denizkurt asked if the driveway currently goes all the way back to that garage.

Mr. Teixeira stated that will be adding a driveway all the way to the back.

Mr. Moriarty asked if the proposed accessory use in the back is that two stories.

Mr. Teixeira stated that it is two stories, and the space will be used for storage. He stated that he does construction and will store some of his tools up there. He added that he pays \$368 a month to store his tools.

Mr. Luongo asked if there will be separate electrical utilities.

Mr. Teixeira stated that he will have three meters so the garage will be separate. He added that there will be no other utilities going to the garage. There will be no bathrooms, no water line, and no sewer line.

Mr. Luongo stated that it is common to have a third meter in a two-family dwelling for the common areas.

Mr. Moriarty made a motion to close the public hearing on **Case #3517** which was seconded by Ms. chin. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3517**.

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 addition to the main building shall be incorporated into the existing two units and does not represent an increase in the allowable number of units.
- The accessory use garage will be used for storage only and will have no living space with no plumbing or sewer lines.
- The garage will be no more than 1 ½ stories.

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

Other Business

1. Minutes: October 25, 2023

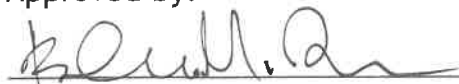
Mr. Diem made a motion to approve the minutes from October 25, 2023, which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

2. Upcoming Meetings: December 6, 2023

3. ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 9:00 p.m. and was seconded by Mr. Diem. VOTED UNANIMOUSLY.

Approved by:



Mr. Diem, Clerk

1.31.24

Date