

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

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

December 7, 2022, 7:00 p.m. 2023 APR -7 AM 10:17
Weymouth High School - Humanities Center
1 Wildcat Way, Weymouth, MA 02190

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

Recording Secretary: Janet P. Murray

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:

Case #3488 -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.

Mr. Moriarty made a motion to reopen the public hearing on **Case #3488** which was seconded by Mr. Diem. UNANIMOUSLY VOTED.

Attorney Gregory Galvin appeared before the Board along with the applicant Kenneth Ryder. Al Trakimus, site engineer, and Brian Saluti, architect, were also present.

Mr. Galvin reviewed the project, thus far. He pointed out that this is the third iteration of the project.

Mr. Trakimus reviewed the bullet points of the revisions that have been made.

Mr. Saluti reviewed the architecture plans and mitigation proposals.

Mr. Denizkurt asked what the berm will look like. Mr. Ryder stated that it will be a grass berm approximately five to six feet with various trees and vegetation. A detailed landscape plan will be provided to the Planning Department.

Mr. Ryder stated that trash pickup would be private through the Homeowner's Association (HOA) and irrigation will be from well water. Fencing will be vinyl six-foot along the entire length of the property line.

Mr. Ryder stated that the homes will not be custom-built.

Mr. Moriarty expressed concern about maintaining the consistency and design of the homes. He asked about potential modifications to the homes after they are built. Mr. Ryder stated that the HOA will limit this.

Mr. Luongo asked about the exterior materials. Mr. Ryder stated that it will be a hardy-board type exterior material and not vinyl siding.

Mr. Ryder agreed that there will be a sidewalk on the interior and exterior roads.

Mr. Luongo stated that a request has been submitted to the State Department of Transportation (DOT) to install a left arrow for turning from Pleasant Street onto Park Avenue heading towards Columbian Square.

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 #3488** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for **Case #3488** based on the plan submitted on December 7, 2022.

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:

- HOA restrictions will preclude the use of vinyl siding.
- HOA restrictions will limit the color scheme to natural or colonial-based colors.
- The architectural design will be maintained as shown on the plans.
- HOA restrictions will prohibit any alterations to exteriors of Pleasant Street side homes.
- A landscaping plan will be submitted for approval from Planning Department
- A lighting plan will be submitted for approval from Planning Department
- Water run-off from the property will be directed away from Trafalgar Court.
- The common area lawns will be irrigated with well-water.
- The fencing along the back property line will be 6-foot vinyl.

The motion was seconded by Mr. Diem. UNANIMOUSLY VOTED.

New Business:

1. Case #3492- The petitioner, **American Building Construction, Inc.**, for property located at **26 Colonial Road** also shown on Weymouth Town Atlas sheet 10, block 129, lot 39, located in the R-1 District. The petitioner is seeking to:

Special Permit 120-40 extension or change by special permit

The subject property is a 3,480 sf parcel of land with a single-family home. Petitioner seeks to add a second floor of 840 square feet to the house above the existing footprint.

Mr. Moriarty made a motion to open the public hearing on **Case #3492** 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.

Pat Fisher, Fisher Associates Architect, 35 Fisher Road, Weymouth, MA, appeared before the board with American Building Construction's representative Mohamed Amer.

Ms. Fisher reviewed the property. She stated that the addition will stay within the existing footprint of the building. She continued that they would like to have an overhang on the front deck of 4 feet with a balcony on the left side and a bump out for the master bedroom on the right side.

Ms. Fisher stated that the first will have living, dining, and kitchen space as well as a bathroom. Upstairs will have three bedrooms and two bathrooms.

There is sufficient space for two off-street parking spaces with a third space possible in the one-car garage. The building height will be 28 feet.

Ms. Chin asked about the exterior finishing. Mr. Amer stated that he will use hardy planks in front and vinyl on the sides and back of the building.

Mr. Lynch questioned the height.

Ms. Fisher stated that there is a full-story change from the front to the rear of the property. She added that in the rear, the basement is fully underground whereas in the front the garage is at street level. The requirement is that the height from the street shall not to exceed 35 feet. It is 28 feet from the ground in the rear.

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

Mr. Diem questioned if the proposed second-floor roof will overhang the deck. There was discussion about what this would look like. There will be no overhang on the balcony on the second floor and there will be a hip roof on the bump out.

Mr. Moriarty made a motion to close the public hearing on **Case #3492** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for **Case #3492** as proposed in plans submitted on December 7, 2022.

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. The public convenience and welfare will be substantially served by the proposal.

The following conditions will apply:

- Exterior material will be hardy plank on the front of the building.
- Master suite will have its own hip roof and the balcony will not have a roof/overhang.

The motion was seconded by Mr. Diem. **UNANIMOUSLY VOTED.**

2. Case #3493- The petitioner, **Michael Grehan**, for property located at **158 Park Avenue West** also shown on Weymouth Town Atlas sheet 44, block 512, lot 1, located in the B-2 & Watershed Protection Districts. The petitioner is seeking to:

Special Permit	120-27 C	Special Permit Uses by Zoning Board of Appeals- Multiple Dwelling
Special Permit	120-38	Floodplain Special Permit

The subject property is a 33,106 sf parcel of vacant land. Petitioner seeks to construct 12 two-story townhouse-style dwelling units in three buildings.

Mr. Moriarty made a motion to open the public hearing on **Case #3493** 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.

Pat Fisher, Fisher Associates Architect, 35 Fisher Road, Weymouth, MA, appeared before the Board with Sean Hardy, a civil engineer from Hardy Man Design Group, 1285 Washington Street, Weymouth, MA.

Ms. Fisher reviewed the background of the site and then reviewed the proposed project. She noted that due to contamination there is an Activity Use Limitation (AUL) on a portion of the property. She also noted that tonight's hearing is just the beginning of the process and that they will be working with the Conservation Commission.

Mr. Hardy reviewed the site plan.

Mr. Denizkurt commented that the intensity of use is strong.

Ms. Fisher stated that this plan was presented to the neighbors in October, 2022.

Ms. Fisher stated that she would submit the landscaping plan to the town.

Ms. Chin questioned the dimensions of the curbs and how much room there is to maneuver on the site. Mr. Hardy stated that the drive aisle is 24' and there is ample to back out and maneuver.

Mr. Schneider stated that the town's traffic engineer will review the plan.

Mr. Hard stated that snow removal will be pushed to the perimeter of the site or moved off site if needed.

Ms. Chin asked about the extent of the retaining wall. She noted that the site is sloping down in all directions on the site. She questioned what will happen to the water run-off.

Mr. Hardy stated that the grass areas can be sloped and there will be curbing as well as catch basins to catch the run-off.

Mr. Diem asked if the plan has been presented to the Conservation Commission. Mr. Hardy stated that a plan has not yet been submitted.

Mr. Diem questioned where the front entrance of building facing Columbian Street will be. Ms. Fisher stated that the entrance will be facing the parking area. Mr. Diem stated that he would like to see plans showing the architecture of the building.

Ms. Chin asked if the sides of the buildings will have windows. Ms. Fisher stated that this could be added.

Mr. Lynch asked where utilities would be located. Ms. Fisher stated that there would be attic space for the mechanicals.

Mr. Luongo asked if there would be any landscaping in front of the units. Ms. Fisher stated that there is no room. Mr. Luongo stated that he believes that the number of units should be reduced to three (3) units in each building for a total nine(9) units, possibly making the units larger. He added that he did not want to see rental units in this residential neighborhood.

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

Steve McClusky, 10 Mill Stone Lane, expressed concern about the intensity of the use, parking, and environmental impacts. He also stated the current configuration could create line of sight issues. He suggested potentially lining up the entrance with Mill Stone Lane.

Tom Daru, 333 Columbian Street, expressed concern about water, drainage, and run-off. He stated that the culvert has not worked correctly for a long time.

John Lambiase, 119 Park Ave West, spoke about the history of the site. He stated that he is concerned about the density and the effect this project will have on the character of the surrounding quiet, single-family neighborhoods. He added that he is very concerned about lighting in the parking lot as well as the drainage and noted that his backyard has flooded in the past. He also stated that the height of the buildings should not exceed that of the surrounding homes.

Mr. Denizkurt pointed out that the applicant has not submitted a stormwater or lighting plan as yet.

Mary Hay, 19 Sargent Road, stated that she is concerned about traffic at the intersection and the potential increase in traffic congestion. She stated that this project is too big with too many units. She expressed concern about visitor parking along the adjacent streets.

Gary MacDougall, 131 Southern Avenue, District 5 Councilor, stated that he thinks that there are too many units and is concerned about visitor parking. He pointed out that the proposed grove of trees could create line of site issues at the intersection of Columbian Street and Park Avenue West.

Mr. MacDougall asked about the monument. Ms. Fisher stated that there have been conversations with the Tanner's and Nardone's about potentially moving it, but nothing has been determined and nothing will be done without their input and approval.

Mr. MacDougall expressed concern about the lack of sidewalks. He questioned if the parking area lighting will light up the neighborhood.

Mary Beth Bernard, 19 Sargent Road, stated that she has serious environmental concerns about the ground contamination.

Mr. Hardy stated that the units will be built on slabs on grade with vapor barriers. He added that the work will be overseen by a licensed site professional.

Ms. Bernard noted that there is a veteran's pole that needs to be preserved

Cinda Rich, 18 Mill Stone, stated that she agreed with the previous speakers that the plan is too big. She stated that the entrance/exit onto Columbian Street is not practical.

Bill Coyte, 22 Sargent Road, expressed concern about the current state of the property.

Mr. Denizkurt suggested that the applicants' representative convey to them the concern about the state of the property.

Tom Welch, 20 Cypress Street, expressed concern about the density on the site. He also stated that the intersection is already dangerous and this will add to that problem.

Mr. Luongo recommended that the applicant file an application with the Conservation Commission to get their feedback. Mr. Denizkurt pointed out that there has been a lot of information received and issues that need to be resolved.

Mr. Denizkurt noted that concerns have been brought up about the proposal's intensity and design as well as issues with traffic, the exit/entrance to the site, and site drainage.

Mr. Moriarty made a motion to CONTINUE the public hearing on **Case #3493** to January 4, 2023, which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Mr. Luongo stated that the Town Council is debating whether to impose a moratorium on building permit issuances for proposals of three (3) units or more for 18 months. If passed it will be in effect as of November 18, 2022.

3. Case #3494 The petitioner, **Va Ly**, for property located at **41 Johnson Road** also

shown on Weymouth Town Atlas sheet 6, block 74, lot 10, located in the R-1 District. The petitioner is seeking to:

Special Permit	120-40	extension or change by special permit
Special Permit	120-41	exception to the limitation on restoration by special permit

The subject property is a 4,656 sf parcel with a single-family home destroyed by fire. Petitioner seeks to remove the foundation and rebuild on the same footprint.

Mr. Moriarty made a motion to open the public hearing on **Case #3494** 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.

Steven Trudeau, TruDesign, 35 Emeline Road, Weymouth, MA, appeared before the Board with the applicant, Va Ly.

Mr. Trudeau stated that they have a building permit but they have discovered that foundation was in very poor condition. The plan calls for building a single family home with four bedrooms on the same footprint with a height of 31 feet

Mr. Trudeau stated that the building materials are proposed to be vinyl siding.

Mr. Schneider suggested that the material on the front be hardy/clapboard with a transition to vinyl on the sides of the home.

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 #3494** which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3494**.

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. The public convenience and welfare will be substantially served by the proposal.

The following condition will apply:

- The applicant will work with town on exterior materials.

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

Other Business

1. Minutes: 4/27/2022

Mr. Moriarty made a motion to approve the minutes from 4/27/2022 as corrected which was seconded by Ms. Chin. UNANIMOUSLY VOTED.

2. Upcoming Meetings: January 4, 2023, January 25, 2023

3. ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 9:15 p.m. and was seconded by Ms. Chin. VOTED UNANIMOUSLY.

Approved by: 	4.5.23
Mr. Diem, Clerk	Date