

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
December 13, 2024, 7:00 p.m.
Weymouth High School - Humanities Center
1 Wildcat Way, Weymouth, MA

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2024 FEB -6 AM 8:21

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 Weymouth High School Humanities Center, 1 Wildcat Way, Weymouth, MA and explained the procedures that would be followed to the people present.

Old Business:

Case #3502 - (Hearing Continued Until 1/31/2024) 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.

Case #3511 - The petitioner, 864 Broad Street, LLC, for property located at **864-884 & 890 Broad Street**, 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.

Case #3512 - The petitioner, 910 Broad Street, LLC, for property located at **910 & 920 Broad Street**, 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	120-25.41	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.

Case #3513 - The petitioner, 910 Broad Street, LLC, for properties located at **881, 899 & 909 Broad Street 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	120-25.41	Intensity of Use
AND/OR Variance	120-25.42	Required Parking Spaces
	120-25.39	Applicability

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.

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	120-25.41	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 board member Jonathan Moriarty disclosed he had a conflict and missed the December 6, 2023, meeting. Mr. Denizkurt continued that under the Mullen rule, Mr. Moriarty is allowed to miss one meeting and certify that he has reviewed a video and/or minutes and materials of the meeting missed, and he has

provided such certification to the town and can render a decision or decisions on these applications.

Mr. Denizkurt thanked the applicant for a very thorough and complete submittal as well as the residence of Weymouth who offered good insight, comments, and questions. Mr. Denizkurt then gave a brief overview of the applications before the Board.

Mr. Luongo stated that the Planning Department has prepared a list of conditions if the board chooses to approve this application.

Mr. Denizkurt stated that 10% of the units proposed or 20 units total will remain affordable in perpetuity.

Mr. Luongo added that in each building, 10% would be affordable.

SPECIAL PERMITS

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3511**.

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.

Conditions 1-24 as noted in the Jackson Square BZA draft will apply.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for **Case #3512**.

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.

Conditions 1-24 as noted in the Jackson Square BZA draft will apply.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3513.

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.

Conditions 1-24 as noted in the Jackson Square BZA draft will apply.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3514.

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.

Conditions 1-24 as noted in the Jackson Square BZA draft will apply.

Mr. Denizkurt noted that the conditions will be made available to the public. He added that there was a question posed about heights of retaining walls and this is covered in the order of conditions.

Ms. Snow-Eikelberg seconded the motion to approve the special permits for Case #3511, 3512, 3513, and 3514.

The motion passed unanimously (5-0) on a roll call vote as follows:

Mr. Denizkurt - Yes	Mr. Moriarty - YES	Mr. Diem - YES
Ms. Chin - Yes	Ms. Snow-Eikelberg - YES	

VARIANCES

Mr. Moriarty made a motion to APPROVE the request for a VARIANCE for Case #3511 pursuant to 120-25 39 lot coverage, 75% of the third floor and to 120-25 40 the affordability housing density allowance for a variance of the height not to exceed 60 feet exceeding 61.11 feet.

Mr. Moriarty made a motion to APPROVE the request for a VARIANCE for **Case #3512** pursuant to 120-25 41 the intensity of use to permit the fourth story.

Mr. Moriarty made a motion to APPROVE the request for a VARIANCE for **Case #3513** pursuant to 120-25 39 the applicability to exceed the 75% allowable coverage of the third floor.

Mr. Moriarty stated finding specifically that a literal enforcement of the provision of the town of Weymouth zoning ordinances would involve a substantial hardship financial or otherwise to the petitioner. The hardship is owing to the circumstances relating to soil conditions, shape, and/or topography of the land and/or structures and how the hardship will affect the said land and structures. This is a very difficult area involving both watershed areas, drainage issues, and the herring run as well as the properties some being adjacent to each other but others being broken up among a very large quadrant area of the Jackson Square area. The reliefs sought by the applicant will not be a detriment to the public good and will not nullify or substantially derogate from the intent and/or purpose of the town of Weymouth ordinances and the dimensional variances as it relates to floorspace, bulk, number of occupants, and/or relevant measures, if granted will be no greater than the minimum necessary to provide the relief for this hardship.

Mr. Moriarty added that the same conditions will apply that were added to the previous special permits, referencing specifically the exhibit entitled Jackson Square BZA conditions, draft numbers 1-24.

Ms. Snow-Eikelberg seconded the motion to approve the variances for Case #3511, 3512, and 3513.

The motion passed unanimously (5-0) on a roll call vote as follows:

Mr. Denizkurt - Yes	Mr. Moriarty - YES	Mr. Diem - YES
Ms. Chin - Yes	Ms. Snow-Eikelberg - YES	

Members present:

- Kemal Denizkurt, Chairperson
- Brandon Diem, Clerk
- Carsten Snow-Eikelberg
- Nicole Chin
- Jon Lynch, Alternate

Case #3518 - The petitioner, Viking Development LLC, for property located at **739 Pleasant Street**, also shown on Weymouth Town Atlas sheet 35, block 446, lot 3, located in the R-1 District. The petitioner is seeking to:

Variance 120-74 M (2) Minimum Required Spaces - Day-Care Centers

The subject property is a 106,554 sf parcel of land with a single-family residence and a frame shed used for landscaping business. The applicant seeks to construct a 16,200 sf daycare center including a parking lot for 55 cars, a fenced-in playground, trash enclosure, lighting, landscaping, and stormwater management basins.

Ms. Snow-Eikelberg made a motion to re-open the public hearing on Case #3518 which was seconded by Ms. Chin. UNANIMOUSLY VOTE.

Chris Fasenden stated that he is the representative for the Gardner School which is a daycare provider with an address of 438 Hill Avenue, Glen Ellyn, IL.

Andrew Platt stated that he is from Bohler Engineering, 352 Turnpike Road, Southborough, MA.

Daniel LaCivita, stated that he is a traffic engineer with Vanessa and Associates 35 New England Business Center Drive, Andover, MA.

Mr. Fasenden stated that they have prepared a number of exhibits to address the items that the board, staff, and neighbors had identified as concerns.

Mr. LaCivita stated that they provided a response letter showing and referenced slides with the following information:

- answers to questions from the town's traffic engineer
- conceptual improvement plan showing proposed left turn lanes on Pleasant Street
 - Figure 1 shows the turns for cars on opposing left turn movements
 - Figure 2 shows the left turn exiting the proposed project site and Mutton Lane.
 - Figure 3 shows exiting turns for an SU 30 box truck which are often used for small delivery vehicles or garbage trucks that will have to enter the site periodically which will occur outside of general peak hours
 - Figure 4 shows the allowable vehicle stacking in the proposed left turn 100 foot storage lane, which can support up to four vehicles
 - Figure five shows the site triangle and the proposed monument sign
- plan showing the proposed "no parking" signs along both sides of Pleasant Street north of Mutton Lane
- updated rendering showing the site driveway location

Mr. Denizkurt asked about "no parking" signs and if there are any southbound on Pleasant Street.

Mr. LaCivita stated that there will be no signs southbound from the site; only to the north because this would impact residential houses.

Mr. Lynch asked when trash pickup is scheduled.

Mr. Fasenden stated that they are scheduled for between 9:00 a.m. and 3:00 p.m., which is outside the pickup and drop off windows. He added that they are open Monday through Friday.

Mr. Schneider stated that an abutter, Eric DiBello, sent in comments and they were responded to by Vannasse. He added that the town's traffic engineer, Owen MacDonald reviewed the response and agreed with it.

Mr. Denizkurt asked if Mr. MacDonald not only looked at these questions posed by the butter, but also the new traffic information provided.

Mr. Schneider stated that Mr. MacDonald's review is complete, and his final memo has no further issues.

Mr. Luongo stated that he is requesting that within the limits of the work that the applicant would resurface to the project limits along the roadway of Pleasant Street and the little section of Mutton Lane, and striping, as well as a reconstruction or resurfacing of the asphalt sidewalks within that project limit if they need it. This would be done working with DPW.

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

Mr. Luongo stated the applicant has agreed that events such as graduations will not be held at the daycare because of the parking constraints and the variance request for parking.

Mr. Fasenden stated a full school event will be held off site. He noted that certain events could be held at the school because infants and smaller, younger kids would not attend.

Ms. Snow-Eikelberg made a motion to close the public hearing on **Case #3518** which was seconded by Ms. Chin. **UNANIMOUSLY VOTED.**

Ms. Snow-Eikelberg made a motion to approve the applicant's request for a variance on **Case #3518**. The applicant is seeking to construct a daycare facility at 739 Pleasant Street, which is an allowable use. The applicant is seeking relief from the requirements for parking under 120-74 (M2) which provides for parking minimums for a daycare center. This variance is allowable under 120-119. The minimum that would normally be required for the proposed facility, which is estimated to have an enrollment of approximately 195 students and 30 staff, would typically require 81 parking spaces. However, a literal enforcement of this zoning ordinance would involve a significant financial hardship to provide the 81 spaces based on the topography of the site and the extensive site work that would be involved to develop this as well as the proximity to adjacent wetlands which constrains the development of the parcel and makes providing the full required parking difficult financially and logistically. The

applicant has also maximized the parking on site available under these conditions. Specifically, the shape and topography of the land constrain driveway access to one corner of the property, as well as to where the building can be placed. The parking lot extends as far back towards the back of the property as practicable while maintaining appropriate vehicle circulation. The desired relief can be granted without detriment to the public good as the 55 parking spaces have been shown to be adequate based on studies from the applicant on similar facilities. In addition, thoughtful vehicle vehicular traffic flow and traffic management measures have been proposed by the applicant to ensure that there is no detriment for the use, as well as the facility's staggered drop off schedule that ensures that there is enough parking. The dimensional variance that will be granted is no greater than the minimum necessary to provide relief as the applicant has shown that 55 spaces is the maximum practical size of a parking lot on this site.

The following conditions will apply:

- complete resurfacing of the street within the project area as well as restriping to provide additional turn lanes and resurfacing of sidewalks within the project limit.
- large gatherings on site such as celebrations will be managed so that most of these would take place off site. In the event of a large gathering offsite parking will be available.

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

Mr. Luongo stated that there is a community meeting tomorrow night on the Factory Paint site. The public hearing will be held on January 31, 2024.

New Business: NONE

Other Business

1. Minutes: NONE
2. Upcoming Meetings: January 31, 2024
3. ADJOURNMENT

Ms. Snow-Eikelberg made a motion to adjourn at 7:50 p.m. and was seconded by Ms. Chin. VOTED UNANIMOUSLY.

Approved by: 
Mr. Diem, Clerk

1.31.24
Date