

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
February 16, 2022, 7:00 p.m.
Via WEBEX

RECEIVED
TOWN OF WEYMOUTH
PLANNING & ZONING OFFICE
2022 MAY -2 AM 11:33

Members Present: Richard McLeod, Chairman
Kemal Denizkurt, Vice-Chairman
Jonathan Moriarty, Clerk
Brandon Diem
Carsten Snow-Eikelberg

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

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. Via WEBEX and explained the procedures that would be followed to the people present.

Old Business:

Case #3468- The petitioner, ANGJ LLC, for property located at 1441 Commercial St. also shown on Weymouth Town Atlas sheet 23, block 311, lots 2-4 & 19, located in the B-2 District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	Chapter 120 article VIII	Business district B-2
Special Permit	120-27 A & C	multiple dwellings in B-2 district
Variance		Floor Area Ratio
Variance		Parking
Variance	120-57	Height limits on structures
		abutting R-1 Districts or schools.

The subject properties consist of a 32,595 SF parcel with a 2,600 SF gas and automobile service station. Petitioner seeks to redevelop the property to erect a four-story residential building containing 24 residential units and an accessory 1,600 SF restaurant.

Attorney Ray Jennings appeared before the Board on behalf of the applicant.

Mr. Schilling reviewed the changes that have been made since the previous hearing. He pointed out the following:

- Three-story maximum height at approximately 34 feet
- 22 residential units down from 24 (8 one-bedroom and 14 studios)
- No longer have the restaurant, just general retail space of 1600 SF
- Reconfigured parking
- Reconfigured siting of the building

- FAR is now .47 down from .7.

Mr. McLeod asked for clarification on the location of the dual zone. Mr. Jennings provided this information: B-1 is 120 feet into the lot then it changes to R-1.

Mr. Schilling stated that the mechanicals are located on 3rd floor is set back about 5 feet on the front and back of the building; it is not a full three-story height wall. Each unit has own condenser, electric heat pump system that is 40x40x17 wide.

Mr. Jennings stated that the applicant will agree to the upkeep of Herring Run Park, allow for the abutter's driveway, and make a contribution to the traffic study.

Mr. Jennings also pointed out that this project is fully in line with the overlay district being proposed for the town.

Mr. Jennings reviewed the hardships present:

- shape of the lot
- cost to remove gas tanks
- additional costs associated with herring run being close and EPA requirements
- Dual zoned: the depth of lot to 120 feet is B-2, the rest of the lot is R-1

Mr. Denizkurt asked about parking. Mr. Schilling reported that the total parking spaces is 43 with eight (8) for the retail space. This is in compliance with the retail requirement and at least 1.5 spaces for residential.

Mr. Diem asked if there are any exterior design changes. Mr. Schilling stated that the materials are similar as previous design but pointed out the following:

- The third level will be set back by 4 foot 8 inches
- Top two (2) floors are town house style with loft
- There will be several verandas with ornamental railings

Bob Luongo commented that the entranceway should be specific to residences and separate from retail. He also noted that he would like to see more brick along the rear façade.

The applicant has agreed to make a \$25,000 donation to be used for an overall traffic study for Jackson Square, and to make improvements to the Herring Pool Park as well as maintain it. The improvements will be at the discretion of Planning Department and Conservation Commission. Also, the driveway for abutter at 10 Water Street will be rebuilt and the abutter's driveway at 6 Water Street will be improved.

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

Councilor DiFazio stated that he was made aware that the applicant has made concessions. He noted that he was not present for discussions. He added that most

residents were amenable to the proposed project. He reminded residents that now is the time to speak about concerns.

Vasillios “Bill” Kalpakoglou, 15 School Street, asked the following question through the chat function:

“Bob said this would be three floors with a permit but in zoning meeting it seemed to be three floors for those buildings with no permit needed. We’d prefer going forward that it would be with a three floors WITH PERMIT zone. Although we welcome Mr. Metri either way.”

Mr. Schneider stated that Mr. Kalpakoglou is stating he would prefer to allow the third floor with a permit.

Mr. Kalpakoglou also asked about the dumpster pickup schedule. Mr. Schilling stated that trash pick up is after 9:00 a.m.

Will Baker expressed concern that there was no landscape plan. He wanted to make sure that the “grove area” remains, that there is a fencing plan, and there are no balconies on the rear of the building.

Mr. Schilling reported that there will be no rear balconies and the fencing will be stockade subject to Planning Department approval.

Mr. Jennings reviewed the requested special permits and variances being requested.

Mr. Moriarty made a motion to close the public hearing and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3468.

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

The following conditions will apply:

1. Plans for the improvement and maintenance of the Herring Run Pool Park will be submitted to the Planning Department
2. Dumpster pick-up will be after 9am and prior to 4pm, Monday through Friday

3. Existing driveway right-of-way will be re-paved, and regraded
4. \$25,000 contribution for Jackson Square traffic study will be made
5. Final plans will be submitted for approval concerning materials to be used on the rear façade of the building and for what type of fencing

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

VARIANCE

Mr. Moriarty made a motion to APPROVE this application for a variance on **Case #3468** because the applicant has shown hardship due to soil conditions, shape, topography, and the site being dual-zoned. The Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

New Business: NONE

Other Business

1. **Minutes:** November 17, 2021

Mr. Denizkurt made a motion to approve the minutes from November 17, 2021 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

2. **Upcoming Meetings:** March 16, 2022

3. ADJOURNMENT

Mr. Denizkurt made a motion to adjourn at 8:00 p.m. and was seconded by Ms. Snow-Eikelberg. VOTED UNANIMOUSLY.

Approved by:
Mr. Moriarty, Clerk



4/27/2022
Date