

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
March 16, 2022, 7:00 p.m.
Weymouth High School - Humanities Center
1 Wildcat Way, Weymouth, MA 02190

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2022 MAY 19 AM 11:06

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

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

Old Business: NONE

New Business:

1. **Case #3470- CONTINUED BY APPLICANT TO 4/6/22** The petitioner, **Edward Page**, for properties located at **550 Broad Street** also shown on Weymouth Town Atlas sheet 22, block 238, lots 17 & 15, located in the B-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
Variance	120-74	parking requirements
Variance	120-57	Height limits on structures abutting R-1 district

The subject property consists of a 5,800 SF parcel with a mixed use property, two-story structure with two residential units above and a full service restaurant on the first floor. Petitioner seeks to add third floor of residential apartments such that the new building will contain three stories with six one-bedroom apartments.

2. **Case #3473- CONTINUED BY APPLICANT TO 4/6/22** 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	extension or change by special permit
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The subject properties consist of three 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 construction of a detached 1,950 SF garage and site improvements to add onsite parking and improve circulation and stormwater management. Applicant proposes to demolish 636 SF of existing funeral home, the garage and shed at 809 Main Street, and the existing dwelling at 19 Cypress Street.

3. **Case #3471-** The petitioners, **Station Street Real Estate, LLC**, for properties located at **20-22 Station Street** also shown on Weymouth Town Atlas sheet 19, block 252, lot 8, located in the B-2 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
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The subject property is a mixed use building with manufacturing/industrial space occupied by Atlantic Tool Co. and residential dwelling space. Petitioner seeks to convert existing second floor residential space back into four one-bedroom apartments.

Mr. Denizkurt made a motion to open the public hearing on **Case #3471** and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Mr. Denizkurt made a motion to waive the reading of the public notice and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Steven Trudeau, 35 Emaline Road, East Weymouth and Joshua Stevens, 375 Canal Street Somerville, MA, appeared before the Board.

Mr. Trudeau stated that the existing structure was built in 1920s with an addition in the 1960s. The second floor was residential for most of its life with the first floor industrial use with offices. He added that they are looking to convert the second floor back to residential with four one-bedroom units. The existing second floor has one bedroom and is 60-70% unfinished.

Ms. Snow-Eikelberg asked if the first floor will remain as-is. Mr. Trudeau stated that it will for the time being.

Mr. Schneider stated that the property has had two residential units. The four units will be in a space that already exists. He added that the project does not expand the property's footprint. It utilizes the full second floor with four units. Two parking spaces are provided for each unit.

Mr. Trudeau stated that there are currently 11 parking spaces and two more will be added for a total of 13; eight for the residential and five dedicated for the business. In this zone, the parking is based on the number of employees. The type of business

that space can be leased to will be limited by the amount of parking available as the requirement is one space for every two employees.

Mr. McLeod stated that a letter was received from William Meade in support of the application.

Mr. Moriarty asked what is the total commercial space. Mr. Trudeau stated that there is approximately 7000 SF. The current business occupies about 3000 SF and there is 2400 SF of office space.

Mr. Diem asked about sprinklers. Mr. Trudeau pointed out that the existing commercial space has a system and that the new residential units will be fully equipped with sprinklers.

Mr. Schneider asked about exterior work to be done. Mr. Trudeau stated that the brick building will be painted and that the vinyl siding is relatively new. He also stated that they will replace the septic system with town sewer.

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

Ms. Snow-Eikelberg made a motion to close the public hearing and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Denizkurt made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3471.

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 condition will apply:

- The property will be brought up to code with town water and sewer.

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

4. **Case #3472- CONTINUED BY APPLICANT TO 4/6/22** The petitioners, 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 existing front porch, excavate the front hillside to create a carport and raise the roof to accommodate an additional story.

5. **Case #3474-** The petitioners, **Lucy Weyer**, for properties located at **86 Lake Shore Drive** also shown on Weymouth Town Atlas sheet 26, block 342, lot 22, located in the R-1 and Watershed Protection Districts. 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
Variance Table 1 front yard setback

The subject property consists of a 5,707 SF parcel with a single family home with a basement in-law. Petitioner seeks to build a new two-story structure to the front of the existing structure comprised of a lower level garage and covered entry and an upper-level activity room.

Mr. Denizkurt made a motion to open the public hearing on **Case #3474** and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Mr. Denizkurt made a motion to waive the reading of the public notice and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

The designer, Don Holzworth, appeared before the Board as designer for the applicants. Mr. Holzworth reviewed the applicants request. He stated that the property is small, similar to others in the neighborhood. The front yard setback with the addition will be 12 feet. The requirement is 18 feet. They are unable to put the addition in the back because of the “no-build zone” between the house and the pond.

Mr. McLeod asked what the setback from the roadway will be once the addition is added. Mr. Holzworth stated that from the property line, it is 12 feet.

Mr. Holzworth stated that the applicants are also requesting a special permit for the sideyard setbacks.

Mr. Schneider stated that property lines are non-parallel so the average setback is used and this change would be allowed with a special permit.

Mr. McLeod asked if there were any concerns from the neighbors. Mr. Holzworth stated that there was a concern about drainage. He added that the roof gutters will be tied into an existing drywell.

Mr. Moriarty stated that he is concerned about the setback from the street and asked about parking.

Mr. Holzworth stated that there is room for four cars with three across the front and one in the driveway.

Mr. Diem asked the applicant to provide a site plan to show the location and dimensions of where the parking is located. The spots need to be 9'x18'. The applicant described where the spots are located.

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

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

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3474.

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

VARIANCE

Mr. Moriarty made a motion to APPROVE this application for a variance on Case #3474 because the applicant has shown hardship based on the shape, slope, and topography of the lot and that there is a no-build zone to the rear of the property which abuts Whitman's Pond. 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 following condition will apply that The following condition will apply:

- A site plan showing a minimum of two 9'x18' parking spots located fully within the property (excluding the garage) will be submitted and approved by the Building Department.

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

Other Business

1. Minutes: December 8, 2021 and January 5, 2022


Mr. Denizkurt made a motion to APPROVE the minutes from December 8, 2021 and January 5, 2022 and was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

2. **Upcoming Meetings:** April 6, 2022

3. **ADJOURNMENT**

Ms. Snow-Eikelberg made a motion to adjourn at 7:35 p.m. and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Approved by:
Mr. Moriarty, Clerk



5/8/2022
Date