

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

April 27, 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 DEC 14 AM 11:21

**Members Present:** Kemal Denizkurt, Acting Chairman  
Jonathan Moriarty, Clerk  
Brandon Diem  
Carsten Snow-Eikelberg  
Russ Drysdale, alternate  
Jon Lynch, alternate

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

Acting Chairperson Kemal Denizkurt called the Board of Zoning Appeals meeting to order at 7:00 p.m. at Weymouth High School - Humanities Center 1 Wildcat Way, Weymouth, MA 02190, and explained the procedures that would be followed to the people present.

Mr. Denizkurt noted for the record that former BZA member and chairperson, Richard McLeod, has resigned from the Board and taken the position of Weymouth's Town Solicitor. He also noted that he will recuse himself from this case as a member of the applicant's team sits on the Board of Directors for his place of employment. Mr. Moriarty will step in as acting chairperson along with two alternate members.

**Old Business:**

**Case #3473-**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:

<b>Special Permit</b>	120-40	(to the extend applicable) extension or change by special permit
<b>Special Permit</b>	120-13 A	(as in effect on December 2, 2021), special permit use - funeral home
<b>Special Permit</b>	120-13 B	(to the extend applicable), special permit use - garage space for or storage of more than three automobiles
<b>Special Permit</b>	120-22.12.A	Special Permit Uses - funeral home

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.

Attorney Jeff Tocchio appeared before the Board on behalf of the applicant. Mr. Tocchio introduced Dennis Keohane and John Keohane who are co-presidents. He also introduced other members of the team.

Mr. Tocchio gave an overview of the project giving specifics about the needs that this project is intended to address.

Dennis Swart, architect at DJSA Architecture, presented specifics about the project. He reviewed the existing conditions and then the proposed conditions.

Gabe Crocker, site civil engineer, Crocker Design Group presented specific site details.

Ben LaFrance, senior project manager, at Hawke Design spoke about the landscaping.

Mr. Tocchio reported that there is a traffic report that was done by Vanasse & Associates. He added that it was not yet completed and thus they will be requesting a continuation this evening so that it can be presented at the next hearing.

Mr. Keohane submitted a letter to the Board.

Attorney Johanna Schneider with Hemenway & Barnes law firm in Boston, appeared before the Board on behalf the abutting neighbors of the proposed project.

Ms. Schneider stated that each of the clients she represents will come up to speak for themselves. However, she pointed out that the Town Council voted unanimously in September to prohibit funeral home use in a residential zone. She added that the applicant was able to submit their request for a special permit anyway.

She continued that the existing funeral home is in a medical services zone but the two parcels to be used for the expansion are both zoned residential. This project proposes to put a large surface paved parking lot in this residential area as well as a five care commercial garage at the rear of the property line directly abutting people's backyards. To accomplish this project, the applicant proposes to remove a number of trees and perform significant site work. Ms. Schneider referred the Board to her March 19, 2022 correspondence for more details. She stated that this proposal will does not meet the five criteria to grant a special permit. It will have multiple negative impacts on the abutting neighbors who will speak to those impacts in their public comments.

Mr. Schneider, Weymouth's town planner, reported on the results of the engineering department stormwater management which is under review by the Department of Public Works (DPW).

Mr. Luongo stated that the applicant did submit a traffic report that was unacceptable to the traffic engineer and the town. He asked if a supplemental report will be submitted. Mr. Tocchio reported that there will be a supplemental report.

Mr. Moriarty asked about the parking spaces. Mr. Tocchio reported that there are currently 82 parking spaces. This number will be increased to a total of 117 but four of the spaces will be inside the garage and not available for people to use. However, these four spaces count in the overall calculation.

Mr. Moriarty asked about the new lobby space to be created; can these be used as viewing rooms for smaller wakes. He questioned if this was an actual increase in the intensity of use as there could potentially be four events happening at once. Mr. Tocchio stated that for the next hearing, he will prepare a report to go through that criteria.

Mr. Dennis Keohane stated that they do currently conduct two wakes at a time but this can be uncomfortable for each family. With the proposed plan, only two families would be served with one using the two front viewing rooms and the second using the new addition.

Mr. Tocchio stated that they will look to describe the difference between passive/waiting for events to occur versus businesses that can drive people to a location for the next hearing.

There was discussion of the retaining wall and garage that will be on Cypress Street. It will be designed to have a residential form.

Russ Drysdale asked about the parking agreement with South Shore Health and the number of available spaces. Mr. Keohane stated that they have tried to avoid using these spaces. He was not certain of the exact number of spaces. He added that the hospital was not interested in upgrading of their lot.

Mr. Tocchio stated that the required parking load is one space to three people in a meeting room. Additionally, one space per company vehicle is required.

Mr. Tocchio stated that it is the experience of the applicant that typically people will park to the front of the facility and that the rear portion of the lot would be used when there is a larger need.

Mr. Tocchio stated that typically wakes end at 8:00 p.m. and family has left by 8:30 p.m.; a staff member will remain until everyone has left. He reported that there are

ten full-time employees at this location and there is staff onsite 24 hours a day.

Mr. Lynch asked if the garage is for storage only. Mr. Tocchio reported that it is for storage only and no repair work will be done on site.

Mr. Drysdale asked if there was another plan for water service if opening Columbian St. wasn't determined to be an emergency since Columbian St. is under a 5 year street opening moratorium. Mr. Crocker responded there are two other options 1. To petition the state for an exception as Main St. is under a similar moratorium 2. Utilize the water service already there & provide an on-site cistern.

Mr. Drysdale asked the development team if any effort has been made to meet with neighbors since their July meeting. Mr. Tocchio replied their group was looking for a smaller in-person group meeting while the neighbors wanted a larger group via Zoom. Mr. Tocchio wasn't comfortable with the virtual platform but was willing to meet individually and respond to comments. He stated their latest submission shows their willingness to make changes.

Councilor DiFazio was recognized by the chairperson but deferred his comments to allow for public comment.

Councilor-at-large Fred Happell, 54 Wright Street, South Weymouth, reported that he has heard from many constituents but none have been in favor of this proposal. He stated that this proposal is in an R-1 zone and that is why he voted for zoning changes.

Councilor-at-large Christopher Heffernan reported that he has been receiving many emails from constituents in the past few months who are opposed to this project.

District 5 Councilor MacDougall clarified that the residents filed their petition in the way that it was intended to be used. He stated that he does not believe that a funeral home should be allowed to expand into a residential zone. He added that the applicant's use of an ANR (Approval Not Required) to freeze zoning is a way to force this plan onto the neighborhood.

Councilor-at-Large Lisa Belmarsh stated that the Council voted for the zoning change based on not wanting to allow this type of business to expand into a residential zone.

Jim Kirkcaldy, 181 Columbian Street, acknowledged the applicant as an important service provider in the community. He stated that the issue is whether a commercial business should be allowed in a residential zone and can meet the five criteria of a special permit. He stated that this proposal does not meet the five criteria.

Mr. Kirkcaldy stated that after he and his neighbors met with the applicant in July of 2021 about this proposal, they did research about funeral trends. After reviewing this research, the neighbors filed the petition to change the zoning to prohibit funeral

home use in an R-1/R-2 zone. He noted that funeral homes were the only exception to the prohibition of commercial use in an R-1/R-2 zone. He reiterated that the Town Council and Planning Board supported the petition to prohibit funeral homes in R-1/R-2 zones.

Mr. Kirkcaldy added that to Mr. Moriarty's point, a larger facility will attract a larger funeral.

Mary Beth Bernard, 19 Sargent Street, stated that this project is much too large for the neighborhood. Ms. Bernard expressed concern about the placement of upwards of 52 parking spaces in the R-1 zone. She is also concerned about the amount of grading that will be required because of the significant height difference at the rear of the property. She questioned if blasting will be required.

Shera Levine, 165 Columbian Street, stated that she believes that the residents in attendance are opposed to this project. Ms. Levine reiterated what several of the previous speakers have said, that this project is not appropriate for an R-1 zone. Permitting a funeral home in an R-1 zone was allowed so that residential homes could be converted to that usage but still blend in with the surrounding neighborhood.

Arthur Cormier, 29 Sargent Road, expressed concern about the traffic issue. He stated that he believes that traffic will be adversely affected by this proposal.

Laurie McGrath, 165 Columbian Street, expressed concern about water impacts with the loss of .66 acres of vegetation at 0 Cypress Street as the removal of trees will disrupt the natural absorption of water. This water needs to go somewhere and drainage is already difficult in the neighborhood. She continued that the proposed massive underground stormwater system is extensive for a residential neighborhood. She noted that currently she has no water issues at her home. Ms. McGrath also stated that the proposed plan calls for soil excavation will change the topography of the lot. She continued that noise impacts will increase with the removal of the vegetated area.

Matt Poulin, 143 Columbian Street, stated that this project will have negative impacts on his property. He stated that there was a gathering of people on the applicant's property during an event which included people drinking.

Richard Stevens, speaking on behalf of his brother David Stevens, 151 Columbian Street who could not be here tonight. Mr. Stevens read from a statement describing the peaceful nature of the neighborhood and how this project will negatively impact the character of the neighborhood. He asked that the Board deny this request.

Tom Welch, 20 Cypress Street, stated that with the demolition of the house at 19 Cypress Street, the character of the neighborhood will change. He will no longer have a close neighbor as the next neighbor is further down the road.

Ms. Snow-Eikelberg made a motion to CONTINUE the hearing until May 18, 2022, and was seconded by Mr. Drysdale. UNANIMOUSLY VOTED.

**New Business: NONE**

**Other Business**

**1. Minutes: 2/16/2022**

Ms. Snow-Eikelberg made a motion to approve the minutes from February 16, 2022, and was seconded by Mr. Drysdale. Motion PASSED on a 4-0-1 vote with Mr. Lynch abstaining.

**2. Upcoming Meetings: May 18, 2022**

**3. ADJOURNMENT**

Ms. Snow-Eikelberg made a motion to adjourn at 10:30 p.m. and was seconded by Mr. Drysdale. UNANIMOUSLY VOTED.

Approved by: 	12.7.22
Mr. Diem , Clerk	Date