

BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
June 20, 2012

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, June 20, 2012 at 7:00 pm at McCulloch Building, Mary McElroy Meeting Room, 182 Green Street, Weymouth, MA for the purpose of passing on the application of certain persons whose petitions were properly before the Board. Notice of public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

Present: Edward Foley, Vice-Chairman
Kemal Denizkurt, Clerk
Chuck Golden
Jonathan Moriarty
Robin Moroz, Alternate Member
Brad Vinton, Alternate Member

Not present: Richard McLeod, Chairman

Staff: Bob Luongo, Economic Development Planner

Recording Secretary: Mary Barker

The Vice-Chairman called the hearing to order at 7:05 PM and explained the procedures that would be followed to the people present. A motion was made to open the public hearing and waive the reading of the legal advertisement, and was seconded and unanimously voted.

BZA CASE #3163–825 Middle Street, Public Hearing (cont.)

Application of Navid K. Patel for property located at 825 Middle St., also shown on the Weymouth Town Atlas as Sheet 33, Block 378, Lot 16, located in R-1 zoning district, seeking a second floor residential unit.

Members sitting: Richard McLeod, Chairman (not present)
Edward Foley, Vice Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty

Bob Luongo reported that the applicant is not ready to continue the public hearing at this time. A motion was made by Edward Foley to continue the public hearing without further testimony to the July 18, 2012 meeting and was seconded by Jonathan Moriarty and unanimously voted.

BZA CASE #3164–75 Finnell Drive, Public Hearing (continued without testimony)

Application of Weymouth Club, Inc. for property located at 75 Finnell Dr., also shown on the Weymouth Town Atlas as Sheet 36, Block 452, Lot 5,9 & 12, located in I-1 zoning district, seeking

to modify existing inside tennis court area and to cantilever above, all for office, lounge, studio, exercise and conference space, and to construct a small addition at the rear to extend a corridor and to provide additional parking area.

Members sitting: Edward Foley, Vice Chairman
 Chuck Golden
 Jonathan Moriarty
 Robin Moroz, Alternate
 Brad Vinton, Alternate

Attorney Gregory Galvin, with offices at 775 Pleasant Street presented the petition seeking to amend an existing special permit with Steve Goldman, owner, Weymouth Club and Jeff Lynn, Executive Director.

There was a brief discussion with an audience member on the impartiality of the Board. There was also a brief explanation on the applications submitted. The original application, Case #3152 was withdrawn and Case #3164 submitted with changes and inclusion of Lot 9. The applicant is seeking to eliminate tennis activity on one court and utilize the area for floor exercise with decking above for activities. The canopy over the sidewalk will come out 5' over the sidewalk area in front of the door and will not extend beyond the driveway. The drawings were reviewed. Mr. Lynn explained the reasons for the request: to provide a better membership experience by adjusting the reception area, offering boutique-style mind/body concept opportunities to add value to membership. The club will be competing with a \$30 million renovation planned at the Quincy Y to draw and retain members. 6% of the club's members live in Quincy. Membership at the club is down 4%.

The club also seeks to increase parking and provide an outside grassed area that can be used by the club's kid's camp programs. No alteration of wetlands is planned at this time and an application is currently before the Conservation Commission. Jonathan Moriarty asked if the club plans to stripe the grass area. He is concerned with it transitioning into an organized sport use in the future. Attorney Galvin responded that any change in use would require they obtain BZA approval.

There was a brief discussion of the capital outlay for the improvements. The club employs 200 people in peak season and is a large taxpayer. Parking is managed with employees when necessary. Without additional parking, growth would be limited.

Three exhibits were accepted:

1. photo of the front facing area of the club
2. parking counts report
3. sketch of front area

Bob Luongo reported that the application was routed to the various departments and reviewed the comments.

Carole Ross of 91 Belmont Street had several questions. She asked if there would be any use of the grass area for soccer camps? She asked the number of campers that would use the space at any given time, the expected noise levels and what the lighting plan will be. Mr. Goldman responded that the

space will be used by camp groups of 15-20 between other activities, and they will be well supervised. Lighting is planned in the field and parking area from dusk to dawn. The club closes at 10PM weeknights and 7PM weekends. Vice Chairman Foley noted a lighting plan will be required. There was some discussion on the proximity of the field to her house. No P.A. system is planned and no relief being sought for signage.

Exhibit #3 – Site plans for parking area and open field - plan is for 64 parking spaces (lighting plan was submitted for 11 lights).

Exhibits #4- Cut sheets for proposed lighting and #5-plan that includes lot for 91 Belmont St.

A motion was made by Vice Chairman Foley to close the public hearing and was seconded by Jonathan Moriarty and unanimously voted.

To vote on the of BZA Case No. 31 to approve a Special Permit to modify existing inside tennis court area and to cantilever above, all for office, lounge, studio, exercise and conference space, and to construct a small addition at the rear to extend a corridor and to provide additional parking area and playing fields:

A motion was made by Chuck Golden to approve the application for a Special Permit and was seconded by Jonathan Moriarty.

FINDINGS

Further, the Board finds that:

1. The specific site is an appropriate location for such a use. The use will not change.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town. The establishment is a successful business in town.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The public convenience and welfare will be substantially served.

Board members added the following conditions:

1. Field will be used only by the club's camp and will be grassed play area.
2. Lights will be on timers. They will shut off at 10:30 P.M. Monday through Friday, 8:30 P.M. Saturday, and 7:30 P.M. Sunday and on no earlier than 6 AM.
3. Signage will be to code.
4. The extension of the canopy will be no greater than the granite curbing.
5. Applicant will submit a plan for snow removal.
6. Plantings in area adjacent to play field will be in accord with Conservation Commission.
7. Playing field will not be used before sunrise.
8. No semi-permanent or permanent structures or unnatural walkways will be erected on grass field area.
9. There will be no sub-lease of the grass field.
10. No organized team activities unrelated to summer camp.
11. Camp will not have organized activities.

DECISION OF THE BOARD - Due to the above findings, it was unanimously voted to approve the application for a Special Permit to modify existing inside tennis court area and to cantilever above, all for office, lounge, studio, exercise and conference space, and to construct a small addition at the rear to extend a corridor and to provide additional parking area and playing fields, with the following conditions:

1. Field will be used only by the club's camp and will be grassed play area.
2. Lights will be on timers. They will shut off at 10:30 P.M. Monday through Friday, 8:30 P.M. Saturday, and 7:30 P.M. Sunday and on no earlier than 6 AM.
3. Signage will be to code.
4. The extension of the canopy will be no greater than the granite curbing.
5. Applicant will submit a plan for snow removal.
6. Plantings in area adjacent to play field will be in accord with Conservation Commission.
7. Playing field will not be used before sunrise.
8. No semi-permanent or permanent structures or unnatural walkways will be erected on grass field area.
9. There will be no sub-lease of the grass field.
10. No organized team activities unrelated to summer camp.
11. Camp will not have organized activities.

BZA CASE #3165–1338 Pleasant Street, Public Hearing

Application of National Auto Repair, Inc. for property located at 1338 Pleasant St., also shown on the Weymouth Town Atlas as Sheet 23, Block 307, Lot 11, located in B-2 zoning district, seeking to convert the use from the storage of vehicles to the sale of vehicles.

Members sitting: Edward Foley, Vice Chairman
 Kemal Denizkurt
 Chuck Golden
 Jonathan Moriarty
 Robin Moroz, Alternate

Glenn Gillis presented the petition with applicant for a special permit for a used car lot. Bob Luongo reported that the Planning Department has not received the revised plans that were requested. Mr. Gillis responded that plans were dropped off at 2 PM that day. He brought a few copies with him that he shared with the Board. The current use of the property is a storage and towing yard. The site will hold 23 vehicles. Proposed hours of operation are 7AM-8PM, Monday-Saturday; closed on Sunday. Bob Luongo noted that there are several issues with the current plan. Landscaping and lighting plans are not included. The plan shows adjusted curb cuts and an added HP parking. No changes proposed to lighting or landscaping. The Licensing Board is also required to approve the application. Mr. Gillis reported that the towing operation has been moved to the former Mass Electric site on Main/Winter Streets.

Kemal Denizkurt told the applicant that the current condition of the Pleasant Street site is atrocious. There is a dumpster located 5' from the street beside a brook. The fencing is deplorable and needs to be corrected. There is no buffer to the adjacent residential abutters. He wants to see trash, snow removal and signage plans. He questioned the site drainage and gas trap drain; how is storm-water

managed on the sight; to where does it discharge? The former business use frequently parked a flatbed on the main street offloading vehicles. How will unloading be handled under the revised use? Vice Chairman Foley also asked for a plan that shows catch basins and gutter drains; that shows treatment and quality of storm-water runoff that is moved away from the adjacent Herring Run. Dumpsters must be screened and appropriately located. Grading and repaving of the lot will be discussed with the administration and Conservation administrator. Mr. Gillis noted that the current tenant, Ted's Transmission is staying. The Board asked for additional plan information that includes the breakdown of curb cuts and parking for each business.

Claire Plourde of 13 Riley Ave. agreed with Mr. Denizkurt's appraisal of the site. It hasn't been maintained over the years. Vehicles are being washed on the site all day including weekends. The 5' buffer has never been maintained. There is a storage container on the site that abuts 19 Riley Ave. and has rubbish stacked on top. She has complained to the Mayor and Building Inspector.

William and Gail Gunville, 25 Riley Ave. also addressed the Board and agreed with the comments about the condition of the property. Mr. Gunville noted that he was a former town selectman and reported that the police were unresponsive to his complaints.

Vice Chairman Foley asked about the sign on the front fence indicating the property is protected by dogs. Mr. Gillis responded that there are no dogs on site. Mr. Foley also recommended that the applicant meet with his abutting neighbors, and the administration through Mr. Luongo to produce a plan that will meet the needs of the business and the neighbors.

Bob Luongo reported that the application was routed to the various departments and reviewed the comments. He noted the taxes on the property are not current. Mr. Luongo also noted the application should be submitted with sufficient time for administrative review in order to provide a fair hearing.

A motion was made by Vice Chairman Foley to continue the public hearing to the next meeting and was seconded by Jonathan Moriarty and unanimously voted.

Minutes-June 6, 2012

A motion was made by Vice Chairman Foley to approve the minutes of the June 6, 2012 meeting; Case #3162, Case #3163 and Case #3164, seconded by Jonathan Moriarty and was unanimously voted.

Adjournment

Bob Luongo reported that the next meeting is scheduled for July 18, 2012. A meeting will be scheduled for August if needed; there are currently no cases. At 9:40 PM, there being no further business, a motion to adjourn the meeting was made by Vice Chairman Foley, seconded by Kemal Denizkurt and unanimously voted.

Respectfully submitted:

Kemal Denizkurt, Clerk

Date