

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
October 17, 2012**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, October 17, 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: Richard McLeod, Chairman  
Kemal Denizkurt, Clerk  
Chuck Golden  
Jonathan Moriarty  
Robin Moroz, Alternate Member  
Brandon Diem, Alternate Member  
Brad Vinton, Alternate Member

Not Present: Edward Foley, Vice Chairman  
Rob Stevens, Alternate Member

Staff: James Clarke, Director of Planning and Development  
Bob Luongo, Principal Planner

Recording Secretary: Mary Barker

The Clerk called the hearing to order at 7:15 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 #3167-316 Washington Street, Public Hearing (cont.)**

Application of Jens Lisinski for property located at 316 Washington St., also shown on the Weymouth Town Atlas as Sheet 24, Block 324, Lot 1, located in B-1 zoning district, seeking to construct a drive-thru specialty coffee kiosk in the parking lot of Fox Shopping Plaza. Relief also requested from the parking restrictions, signage restrictions, and a modification to the special permit granted for the construction of the plaza on 1/23/89, Case #88-11-9/9, regarding allowed hours of operation

Members sitting: Richard McLeod, Chairman  
Edward Foley, Vice Chairman  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty

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Mr. Clarke reported that the applicant has requested additional time and a continuance to the November 14, 2012 meeting. A motion was made by Jonathan Moriarty to continue Case #3167 to the November 14, 2012 meeting and was seconded by Chuck Golden and unanimously voted.

### **Minutes-October 3, 2012**

A motion was made by Jonathan Moriarty to approve the minutes of the October 3, 2012 meeting, seconded by Chuck Golden and was unanimously voted.

### **Design Workshop**

Jim Clarke reviewed the history of the design guidelines. Board members were provided with a copy of the proposed draft guidelines in advance to review. Originally, guidelines were prepared in 2006 when overall zoning was reviewed, however, the former mayor did not submit the new zoning to the Town Council. The village center concept went forward then. The document was prepared. The focus is on the business sections of Route 53, 3 and 18. It has not previously been brought before the BZA, although Building and Planning Departments have both been using the guidelines informally when they review applications.

Councilors Jane Hackett and Michael Smart have recently expressed their concerns with design and zoning in general and have requested that the guidelines be reviewed and brought forward for consideration for adoption by the Board of Zoning Appeals. During Mr. Clarke's remarks, Chairman McLeod arrived. Mr. Clarke noted that the Mayor and Councilor Hackett had planned to be present for the discussion but were attending a public hearing on the Route 18 roadwork proposed by MassDot.

Mr. Clarke recommended a general discussion and suggested the adoption of the guidelines as either an appendix or and addendum to the Rules and Regulations of the Zoning Board of Appeals. This will require a public hearing process. He has received feedback from several members and noted Rob Stevens also provided information from City of Quincy. Discussion included the following:

- Chairman McLeod asked what role the Board will play in enforcing the standards. Bob Luongo responded that the recent application by Mr. Kelcourse is a good example. The plans were reviewed and design changes recommended and ultimately changed as a result of aligning the plans to the standards. The BZA could stipulate via order of conditions that the Building Department would uphold in the permitting and construction process. It gives the applicant the incentive to work with the Planning Department when seeking a variance or special permit.
- Kemal Denizkurt asked how other communities do it. Other towns have design review boards that oversee standards, but Weymouth does not. Jim Clarke responded that he is not in favor of a design review board for Weymouth; they tend to over review projects. The guidelines are meant to be a tool to assist with planning within the zoning and offering some flexibility to the property owner, but if someone were clearly not adhering to proposed guidelines, the Board could deny an application under the criteria. There was

a brief discussion of the CVS and Walgreens designs and their representation of design of other buildings in town.

- Jonathan Moriarty asked if the Board can expect recommendations from the Building Department that will be incumbent on the Planning Department the Board of Zoning Appeals . He also noted this will require more explicit plans be submitted by applicants.
- Chuck Golden asked how this will affect residential property in the Village Center district. Mr. Clarke responded that the guidelines address the mixed use properties.
- Jonathan Moriarty asked about incorporating the guidelines into the zoning ordinance. Mr. Clarke responded that it's intended as an attachment to the Rules and Regulations, not the ordinance. There was a brief discussion on how other towns handle this matter. Mr. Clarke responded that this should be used to steer an applicant in certain direction and conditions can be used with a decision to assist the board. It should result in a better-reviewed application coming before the board. He provided a copy of the standards in use by the town of Northborough, which were adopted in July.
- Jonathan Moriarty noted these would be handy in the redevelopment in Weymouth Landing as an example. Bob Luongo noted that this a concept; it will provide for more give and take with an applicant and Jonathan Moriarty noted that it will blend an area better if all are following the same guidelines. There was a brief discussion on how this could pertain to the redevelopment of the Delegas property in Weymouth Landing. Under a site plan review, the permitted uses will be reviewed and guidelines can be set. Mr. Clarke noted that the site review for the landing is a joint meeting with Braintree. The Board will be able to openly discuss compromises during the public hearing.
- Chuck Golden noted that the guidelines will need some flexibility to work within the branding concepts of national franchises. Mr. Clarke responded that the chains have alternative designs specifically to work within local guidelines. Jonathan Moriarty recommended that a database be kept of conditions imposed as a way of keeping an area consistent.
- There was a brief discussion of restrictions that can be made on parking, landscaping etc. He noted the landscaping requirements on the Fox Plaza development that fit with the area, use appropriate materials that are native to the area, and enforcement so that landscaping is kept up. Mr. Clarke will email and see how other communities have addressed this issue and forward feedback he receives.
- There was a brief side discussion that included the parking lot of the Building 19 plaza lot and the Mass Electric property by Weymouth Honda which is overgrown and with a fence in disrepair.

- Brandon Diem recommended the proposed document formatting include an index and Jonathan Moriarty recommended an appendix.
- Brad Vinton asked whether the document could include reference to sustainability and address energy savings credits/green building technology. Mr. Clarke will review.
- Mr. Clarke suggested further review at a future meeting.

**Other Business**

Jim Clarke reported that Clapp Building plans have been informally submitted. Mr. Deady, the owner has met with the Planning Department and made some revisions, and will be presenting soon.

Meetings will start at 7:15 for the next few months to accommodate the chairman's schedule.

**Adjournment**

At 8:15 PM, there being no further business, a motion to adjourn the meeting was made by Jonathan Moriarty, seconded by Chuck Golden and unanimously voted.

Approved:

A handwritten signature in blue ink, appearing to read 'Kemal Denizkurt', is written over a horizontal line.

Kemal Denizkurt, Clerk