

BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
June 6, 2012

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, June 6, 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
 Edward Foley, Vice-Chairman
 Kemal Denizkurt, Clerk
 Chuck Golden
 Jonathan Moriarty
 Brad Vinton, Alternate Member

Staff: Robert Luongo, Principal Planner

Recording Secretary: Mary Barker

The Chairman called the hearing to order at 7:00 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 #3162-116 Clinton Road, Public Hearing

Application of Adele Daughenbaugh for property located at 116 Clinton Rd., also shown on the Weymouth Town Atlas as Sheet 33, Block 378, Lot 25, located in R-1 zoning district, seeking to expand a non-conforming dwelling.

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

Brian Tangy, the builder represented the applicant, who is out of the country. He presented the petition to construct an addition within the side yard setback. It will not encroach further than the existing footprint. It was originally going to be built over a basement but will now be built on footings.

Bob Luongo reported that the application was routed to the various departments and reviewed the comments. The application will require a filing with the Conservation Commission.

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. 3162 to approve a Special Permit to expand a non-conforming dwelling:

A motion was made by Edward Foley 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.
2. The use involved will not be detrimental to the established or future character of the neighborhood or 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.

DECISION OF THE BOARD - Due to the above findings, it was unanimously voted to approve the application for a Special Permit to expand a non-conforming dwelling.

BZA CASE #3163–825 Middle Street, Public Hearing

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 special permit to modify an existing second floor for residential living space.

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

Mr. Patel presented the petition. He purchased the liquor store business in February 2012. The property is owned by Village Lane Realty and Mr. Patel rents the building. An application was before the Board for a special permit and variance in 2007 to add on the second story for office space. This application is to amend that special permit to allow the second story space to be modified for living space. Mr. Patel wants to turn the second story into a residential living space. He will still have space on the first and basement levels for storage. There are bathroom facilities, but he will bring in a contractor to modify the space to include a shower and kitchen facilities. The area has separate access at the back of the building. He does not plan to modify the outside of the building and will work with the existing footprint. There was some discussion on parking space requirements, access and egress, access and hours for deliveries to the liquor store and fire department requirements.

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

Dan Salvaggio of 12 Orleans Rd. expressed his opposition based on the nature of the application. He has had issues with deliveries to the business causing damage to his property. He would like to see the property allowed for only the business use. There is no other residential rental property and this will be detrimental to the neighborhood. Once it's built there is no control over sublease of the space.

Neighbor Don Huggin (Middle & Circuit corner) also opposed the application. He also had had property damage to his side yard from drivers making deliveries to the business and is concerned that changes to the required parking will affect the delivery traffic pattern and access.

Vice Chairman Foley suggested that the applicant might consider putting in a barrier to prevent damage to abutting property. Kemal Denizkurt asked the hours of operation for the business. Mr. Patel responded that the hours are 10 AM – 10 PM. He is in the office at 9 AM prior to opening.

A motion was made by Vice Chairman Foley to continue the public hearing to the next meeting to allow the applicant time to have a certified plan including a parking plan prepared to present to the Board and was seconded by Jonathan Moriarty and unanimously voted. Mr. Patel will contact the administration prior to the June 20, 2012 meeting if he needs additional time to have the plan prepared.

BZA CASE #3164–75 Finnell Drive, Public Hearing

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: Richard McLeod, Chairman
 Edward Foley, Vice Chairman
 Kemal Denizkurt
 Chuck Golden
 Jonathan Moriarty
 Brad Vinton, Alternate

Before the public hearing was opened, Chairman McLeod recused himself due to two of his children employed at the club. Kemal Denizkurt also disclosed that his wife is a member of the club. An audience member asked that he also be recused. Due to the lack of quorum, a motion was made by Vice Chairman Foley to continue the matter to the next meeting and was seconded by Jonathan Moriarty and unanimously voted.

Minutes-May 16, 2012, Case #3161

A motion was made by Vice Chairman Foley to approve the minutes of the May 16, 2012 meeting; Case #3161, seconded by Jonathan Moriarty and was unanimously voted.

Adjournment

At 7:50 PM, there being no further business, a motion to adjourn the meeting was made by Vice Chairman Foley, seconded by Jonathan Moriarty and unanimously voted.

Approved:

Kemal Denizkurt, Clerk