

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
March 6, 2013**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, March 6, 2013 at 7:15 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  
                                      Rob Stevens, Alternate Member

Not Present:                    Edward Foley, Vice Chairman

Staff:                            Bob Luongo, Principal Planner

Recording Secretary:        Mary Barker

The Chairman called the hearing to order at 7:15 PM and explained the procedures that would be followed to the people present.

**BZA CASE #3183, 0 Greenvale Ave., Public Hearing, (cont.)**

Application of Norman Hassan for property located at 0 Greenvale Ave., also shown on the Weymouth Town Atlas as Sheet 25, Block 335, Lots 28 & 29, located in R-1 zoning district, seeking to combine lots 28 & 20 to provide adequate land and frontage for the construction of a single family residence. Lots 28 & 29 will have a combined total of approximately 8,096 sq. ft..

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

Bob Luongo reported that Vice Chairman Foley notified staff he would not be present at the meeting. The applicant requires four affirmative votes for his application to be approved; he would like five members; therefore, he requested a continuance to March 20, 2013.

A motion was made by Jonathan Moriarty to continue the public hearing and was seconded by Kemal Denizkurt and unanimously voted.

### **BZA CASE #3187–60 Mathewson Drive, Public Hearing**

Application of Kerry Gotell for property located at 60 Mathewson Dr., also shown on the Weymouth Town Atlas as Sheet 34, Block 444, Lot 24, located in I-1 zoning district, seeking to conduct a Boot Camp in one (1) bay.

Members sitting:      Richard McLeod, Chairman  
                                 Kemal Denizkurt  
                                 Chuck Golden  
                                 Jonathan Moriarty  
                                 Rob Stevens, Alt.

Kelly Gotell appeared before the board with Ronald Ciccolo, the owner of the building. She has been running a boot camp business out of the one of the bays at 60 Mathewson Drive for 6 months. She wasn't aware she needed to come before the board or have a Certificate of Occupancy. Her business is small group personal fitness training and she has classes from 8-10 AM, 4:30, 5:30 and 6:30 PM and Saturday mornings. When weather permits, she conducts classes outside (Pond Meadow Park, Great Esker and other public parks).

Bob Luongo reported that the application was routed to the various departments and reviewed the comments and the memo from the Daniel McCormack of the Health Department outlining concerns with chemical use and storage in the building. A printing plant is also housed in the facility and the memo reported that the chemical odors present in the building at the annual inspection make the location unsuitable for a recreational boot camp business. The memo also reviewed an evacuation at a neighboring day care facility. The children and staff were relocated to the offices of the printing facility. When health and other inspectors arrived, they ordered the children removed from the offices because of the chemical odors.

Kerry Gotell responded that she researched locations for six months before committing to the space at 60 Mathewson. She noted in the memo from Dan McCormack that the other site the children were removed to during the evacuation of KinderCare was her bay.

Ronald Ciccolo also addressed the board. He reported that he has not had any complaints about odors and has not heard of anyone becoming sick from it. The printing business is using newer soy-based inks and no longer has three quarters of the chemicals cited in the Health Department memo.

Kemal Denizkurt asked when the last hazardous materials inspection was done in the building and whether the same air handling system is in use. Kelly, of Pyramid Printing responded that the air handling system is serviced four times a year and she pays the town annually for their permit to store chemicals.

Mr. Ciccolo responded that the system in the building has been updated since 2009 and it changes the air every 30 minutes. Bob Luongo noted the date on the last inspection provided to him is 2009. Kemal noted the information provided in the memo is ambiguous; he would like clarification from the Health Department as to when the last annual inspection was conducted.

He did note that the children were evacuated first to an area in which volatile chemicals were present and asked what has changed since that time; unless the chemicals were completely eliminated, the Health Department has determined it an unsuitable location for the proposed purpose. Jonathan Moriarty agreed and asked if the administration can request a current hazardous materials inspection be done. Chairman McLeod asked to have one scheduled before the next meeting of the board.

Kemal Denizkurt asked if the building's outside lighting is adequate for early morning and evening hours of operation and whether there are bathroom facilities. Mr. Ciccolo responded that solar lighting was installed that comes on automatically. There are two backrooms for the boot camp. Kemal Denizkurt asked if there is sufficient parking. Ms. Gotell responded that there are about 30 spaces for her business; the most ever used is 20 during crossover periods between classes.

Joseph Iantosca, owner of 61 Mathewson Drive addressed the board. He noted the poor conditions of the roadway given the amount of tax revenue the industrial areas provide to the town. His main concern is spillover parking that will be detrimental to the other buildings on the road as subsequent similar gym style business lease space. He noted gyms tend to have higher parking ratios and areas just a few feet away don't fall into the special permit category for multiple use.

Arthur Mathew, District 4 Councilor addressed the board. He supported Ms. Gotell as a reputable business owner and suggested the owner of the building might consider hiring a consultant to address the health department issues, and might also produce whatever documentation he has for the next meeting regarding chemicals and air handling upgrades.

A motion was made by Jonathan Moriarty to continue the public hearing to March 20, 2013, seconded by Chuck Golden and unanimously voted.

## **Other Business**

### **BZA CASE #3157– 1090 Washington Street**

Mike Glynn, owner, Groundwater Resource, Inc. and the builder for 1090 Washington Street provided the board with a sample of the prefabricated metal for the building in the rear. The board also had a copy of the memo from Brandon Diem dated February 21, 2013. He showed the board why he changed his plan and eliminated the wood cladding on the barn building. The building is not designed to bear the load and due to the shape of the corrugated metalwork, the wood veneer would have to be installed with very long screws that would both compress the insulation and create too much flex in the structure. He did review the recommendations that Brandon Diem suggested and said he would make whatever changes the board requires of him, and he intends to keep the design details as historically appropriate to the neighborhood as he can. He provided photos of the progress and the updated plans and renderings to review. He will consider using the muntin bars over windows as recommended and trimming in corner boards and doors, but wasn't sure if he will do it in white or red.

A motion was made by Kemal Denizkurt to accept the recommendations in the memo dated 2/21/13 from B. Diem with modifications as determined by the Planning Department and was seconded by Jonathan Moriarty. UNANIMOUSLY VOTED.

### **Minutes**

A motion was made by Kemal Denizkurt to approve the minutes from the February 20, 2013 meeting, Case #3186; seconded by Jonathan Moriarty and unanimously voted.

### **Adjournment**

The next meeting of the Board of Zoning Appeals will be on Wednesday, March 20, 2013. At 8:15 PM, a motion to adjourn the meeting was made by Chuck Golden, seconded by Jonathan Moriarty and unanimously voted.

Approved:

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Kemal Denizkurt, Clerk

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Date