

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, April 16, 2014**

Members Present: Richard McLeod Chairman
Edward Foley, Vice Chairman
Kemal Denizkurt, Clerk
Chuck Golden
Jonathan Moriarty
Brandon Diem, Alternate Member

Also Present: Jim Clarke, Planning Director
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:15 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

BZA Case #3218 – 269 Park Avenue & 168 Ralph Talbot – Public Hearing (Continued from 12/4/13, 1/15/14, 1/29/14, 3/5/14 & 4/2/14)

The petitioner is seeking a Special Permit under Zoning Ordinance Article XIII, Section 120-140 “Extension or Change by Special Permit of a Nonconforming Use or Structure”. The petitioner owns lots 27, 28 & 29 and is proposing to sell lot 27 which is non-conforming with respect to the use (retail) in a R-1 zoning district and lot size under table 1 – Schedule of District of Regulations (25,000 SF minimum required and 15,003 SF provided).

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

Appearing before the board was Attorney Jim Baldassini, Mr. Joseph Brewster and Mr. Perette.

After review of Town Solicitor George Lane’s memo, the applicant has requested to withdraw his application without prejudice.

Ed Foley made a motion to accept the applicant’s request to withdraw without prejudice and was seconded by John Moriarty. Voted unanimously

APPROVAL OF MINUTES

A motion was made by Ed Foley to accept the minutes of April 2, 2014 as written and the motion was seconded by Kemal Denizkurt. Voted unanimously

Due to a conflict of interest Kemal Denizkurt excused himself from the next case for 726 Main Street (BZA Case 3223) and left the meeting.

BZA Case #3223 – 726 Main Street – Public Hearing

The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Extension or change of a nonconforming use or structure (Section 120-40). The structure is nonconforming with respect to the lot area (20,000 SF required, 19,326 SF provided), lot width (75-ft required, 70-ft provided), and frontage (75-ft required, 70-ft provided).

Presently located on the premises is a 2,766 SF three-family residence. The petitioner is proposing to demolish the existing building to construct a new 2,026 SF three-family dwelling and 10 off-street parking spaces in the rear.

Members sitting: Richard McLeod, Chairman
 Edward Foley, Vice Chairman
 Chuck Golden
 Jonathan Moriarty
 Brandon Diem

Ed Foley made a motion to open the public hearing 726 Main Street, Case #3223 and was seconded by Johnathan Morirary. Voted Unanimously

Ed Foley made a motion to waive the reading of the published legal notice on 186 Main Street, Case #3223 and was seconded by Johnathan Moriarty. Voted unanimously

Appearing before the Board was Attorney Greg Galvin, 775 Pleasant Street, Weymouth and the applicant Mr. James Hession.

Mr. Hession currently owns 726 and 720 Main Street. He would like to take the building at 726 Main Street and tear it down and build 3 new town house units for rental. He would also like to use one entrance for both the existing 22 units he owns at (720 Main Street) and the new 3 unit town houses at (726 Main Street). He will then abandon the opening on the south side of the property and include a parking lot in the rear for 10 parking spaces. The trash bin will be in the rear of the property. There are two easements which will need to be granted, one is for parking and the other is for access-agress. Copies of these two easements were distributed to all board members.

The Department of Public Works had several comments. One comment is significant in that the plans submitted do not match the town's parcel plans by a difference of 3,353 square feet. Also the Engineering Department believes the applicant should submit a stormwater management plan, drainage calculations and grading. The applicant stated it will be available for the next meeting. The grading will take care of the run off from the property at 720 main Street.

Attorney Galvin stated there is a new plan that was submitted to the Planning Department to correct the water and sewer plan and the Assessor's parcel I/D number.

The landscape architecture plans show grassy area between the building and the street. The plantings include, boxwood, hydrangea, azaleas, cherry tree, etc. see plans submitted. The existing curb cut will have grass and tree planting there.

Attorney Galvin stated that the density will remain the same with three units, eliminate a driveway and provide a new building that is nicer looking, addressing a drainage issue in the back of the property.

Chairman McLeod asked if there is a lighting plan for the parking lots and it was stated yes, there will be two lights between 12-16 feet high facing down so there is no glare. The rubbish will be the Town's trash and recycling barrels that are being used now.

Ed Foley asked if the new town houses will be condominiums or rentals and it was stated rentals.

Johnathan Moriarty stated that he is concerned with the 20 foot wide easement for both condominium units on either side. The applicant stated that the 20 foot width is according to the building codes that he was provided by the town.

Johnathan Moriarty requested a report showing how many vehicles are in the 22 unit complex. Even though the proposed parking lot will be separate from the other lot, they share an easement for the entrance and exit. He also asked if there are striped parking spaces for 720 Main Street and the applicant replied yes. 726 Main Street is granting an easement for 720 Main Street for the parking area in the rear.

Mr. Clarke noted that staff had met with the applicant regarding the 3 family structure when he was purchasing the 22 units and he was required to purchase both lots. The town's staff recommended eliminating the curb cut driveway and using the 1 driveway for both properties to eliminated pavement and this is the plan the applicant came up with for your review.

Mr. Clarke stated that town consolidated curb cuts at other locations throughout the town.

There is water that ponds in the back of the lot. It is important to get the new grading to help with this issue.

Ed Foley asked if he is looking for a variance due to the size of the lot even though it will remain a 3 unit complex. Jim Clarke stated that they will need to look at that as well.

Jim Clarke noted that the traffic engineer would like to have the sidewalk brought all the way down to the street sidewalk. The applicant noted that the current fence that is there will come down when they demolish the building.

The applicant's engineer will create a new plan showing the easements as a shaded area. They will also provide cut sheets on the lights, the number of cars at 720 Main Street, and have any delinquent water bills paid before the next meeting.

Ed Foley made a motion to continue Case #3223, 720 Main Street to May 7, 2014 and that the time the applicant will provide a grading plan, stormwater plan, lighting cut sheet and plans and have all water bills paid up and this was seconded by Johnathan Moriarty. Voted unanimously

SIGNING OF DECISIONS FROM PRIOR MEETINGS

OTHER BUSINESS

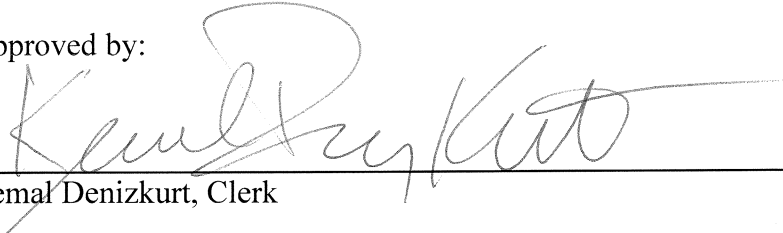
ADJOURNEMENT

Ed Foley Made a motion to adjourn at 8:10 pm and was seconded Chuck Golden. Voted unanimously

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:


Kemal Denizkurt, Clerk


Date