

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, June 4, 2014 – 7:00 p.m.**

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

**Also Present:** Jim Clarke, Planning Director  
Abby McCabe, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building in room 12 and explained the procedures that would be followed to the people present.

**Case # 3229 – 110 Main Street - Public Hearing**

Petitioner: NSC Wholesale Holdings LLC  
Locus: **110 Main Street**  
Sheet 29, Block 329,  
Lots 10, 12, 15, 21  
Zoning: B-1 (Limited Business)

**Sitting Members:**

Richard McLeod, Chairman  
Edward Foley, Vice-Chair  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty

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

Special Permit: Continuation, extension or change by special permit of a nonconforming use or structure (Article XIII, Section 120-39 and 120-40).

Variance: Relief of 368 SF from the maximum sign area requirements for a wall sign (443 SF proposed, 75 SF maximum required) (Article XVI, section 120-64.3)

Presently located is a multi-tenanted shopping plaza (RK Plaza). The petitioner is proposing a wall sign that exceeds the maximum sign area requirements.

Chuck Golden made a motion to open the public hearing on Case #3229, 110 Main Street and was seconded by Jonathan Moriarty. Voted Unanimously.

Chuck Golden made a motion to waive the reading of the legal advertisement on Case #3229, 110 Main Street and was seconded by Jonathan Moriarty. Voted Unanimously.

Attorney Greg Galvin was present before the Board representing the applicant, Mr. Michael Gold from NSC Wholesale Holdings LLC.

Exhibit #1 Photographs of the Lowes signage on Bridge Street and Exhibit #2 the old Zoning Board decision was provided to the Board and entered as exhibits 1 and 2.

The most recent sign at the location was from Building #19 and that was nonconforming. Prior to that was Caldor and Highland Video and Appliance Store sign which was 398 square feet, this go back to before 1970. The building is set back on the property, behind Mass Electric in a depressed area which is below street level. The applicant is a tenant and not the owner of the property.

Attorney Galvin compared their sign application to Lowe's which has 3 signs for a total of 427 square feet. He believes the Lowe's sign is 10' x 32' and was granted by the BZA in March 2002.

Mr. Michael Gold, CFO for National Wholesale Liquidators stated that they own 10 stores in NJ, NY and MA. He is hoping to open for business in early October 2014. He stated that they are looking to get involved in the community.

Attorney Galvin stated the hardship is the location of the store being set back so far and having Mass Electric property block their view. They need the sign for visibility in order to succeed.

Attorney Galvin believes this should be a special permit application as it has already been granted in the past and they are looking for an extension.

Chairman McLeod questioned why their name/logo is on the sign almost three times instead of once. The applicant is willing to revisit the sign design if the board chooses.

Kemal Denizkurt stated that Lowes has three signs "Lumber Yard", "Garden Center", and "Lowes" because they all have three separate entrances and exits which isn't exactly the same with National Liquidators.

Chuck Golden asked what the square footage of the building would be and it was stated 89,400 square feet. He requested a comparison of the signage at Lowe's, Staples and Michaels.

Ed Foley stated that the property owner of the RK buildings recently came before the Board for a variance on the sign out at the street and now the individual tenant is asking for another variance. He would like to see a master plan for the location. He believes 443 square foot wall sign is too much.

Ed Foley requested the square footage of the sign for the Dorchester location.

The applicant stated that they are investing a great deal of money into renovations at this location and will be hiring full time employees with benefits. They generate 15,000 people into their stores per week which will help bring business to the shipping plaza.

Jonathan Moriarty stated that when they approved the signage variance for the owner it was stated that they would not be able to get an anchor retail store without it. They do not have a tenant for Staples yet.

Jonathan Moriarty asked Ms. McCabe to check the square footage for the sign at Michaels.

Ms. McCabe stated that she believes this should be an application for a variance and not a special permit. She would also like to see a master signage plan for the location so every tenant does not need to come before the Board.

Ed Foley asked them to change the sign and run the numbers as many different ways as possible to see if some of the numbers will work for both parties.

Public Comment:

The public was given the opportunity to speak.

Bill Car, 21 Henderson Street lives across from the entrance and he is concerned with the size of the sign and the amount of relief seems over powering.

Ed Foley made a motion to continue Case #3229, 110 Main Street to the June 18, 2014 Board meeting and was seconded to Jonathan Moriarty. Voted Unanimously.

**Case # 3232 – 41 Clematis Avenue & 151 Idlewell Boulevard - Public Hearing**

Petitioner:	Carol LaCombe & Joseph Sheridan	Richard McLeod, Chairman
Locus:	41 Clematis Avenue/ 151 Idlewell Blvd	Edward Foley, Vice-Chair
	Sheet 12, Block 139, Lot 9	Kemal Denizkurt
Zoning:	R-1 (Residence Single Family/Low Density)	Chuck Golden
	Jonathan Moriarty	

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

- Variance: Relief of 1.3 ft. from the minimum side yard setback for the addition (10 ft. required, 8.7 ft. proposed (Table 1-District Regulations).
- Variance: Relief of 5 ft. from the minimum rear yard setback for the addition (10 ft. required, 5 ft. proposed) (Table 1 – Schedule of District Regulations).
- Variance: Relief from the requirement that accessory uses shall be confined to the rear yard (Article XV, Section 120-54). Applicant is proposing an accessory use (swimming pool) in the side yard area.

Special Permit: Extension or change of nonconforming use or structure at 151 Idlewell Boulevard. The existing lot is nonconforming with respect to the lot size (25,000SF required, 10,977 SF provided, 10,757 SF proposed).

Presently located on the premises is a single-family residence. The petitioner is proposing an addition on the rear of the existing residence that will extend into the rear yard setback, continue the existing nonconforming westerly side yard setback, and install a pool in the side yard.

Ed Foley made a motion to open the public hearing on Case #3232, 41 Clematis Avenue & 151 Idlewell Blvd. and was seconded by Jonathan Moriarty. Voted unanimously.

Joseph Sheridan and Carol Lacombe appeared before the Board. They have recently adopted a child and need an addition to add another bedroom. Their house has no basement and storage is a problem. Due to the topography of the property there is no other place to put the addition. They are also adding a pool to the side yard because they do not have a rear yard.

Public Comment:

The Chairman opened the hearing up to public comment.

McDonald, 36 Clematis Avenue  
Patricia McDonald, 36 Clematis Avenue  
Mary Faunce, 46 Clematis Avenue  
Karen Duffy, 31 Clematis Ave (direct abutter)

All the neighbors that were in attendance were in support of the application.

Ed Foley made a motion to close the public hearing on Case #3232, 41 Clematis Avenue & 151 Idlewell Blvd. and was seconded by Jonathan Moriarty. Voted unanimously.

Ed Foley made a motion to approve the variance for Case #3232 as follows;

Variance	Relief of 1.3 ft. from the minimum side yard setback for the addition (10 ft. required, 8.5 ft. proposed (Table 1-District Regulations).
Variance	Relief of 5ft. from the minimum rear yard setback for the addition (10 ft. required, 8.5 ft. proposed (Table 1-Schedule of District Regulations).
Variance	Relief from the requirement that accessory uses shall be confined to the rear yard (Article XV, Section 120-54). Applicant is proposing an accessory use (swimming pool) in the side yard area.

He further stated that relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance.

This motion also include the approval of a Special Permit: Extension or change of nonconforming use or structure at 151 Idlewell Boulevard. The existing lot is nonconforming with respect to the lot size (25,000 square feet required, 10,977 square feet provided, 10,757 square feet proposed. The Board found that all of the following criteria have been met:

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.

In addition the letter from Mary Ellen Schloss, Conservation Administrator, be added to the motion and the building department will make sure the fence is installed for the pool and there is no interference with the town easement. This motion was seconded by Jonathan Moriarty and unanimously voted.

#### **APPROVAL OF MINUTES – May 7, 2014, May 21, 2014**

A motion was made by Ed Foley to accept the minutes of May 7, 2014 and May 21, 2014 as written and the motion was seconded by Jonathan Moriarty. Voted unanimously.

#### **SIGNING OF DECISIONS FROM PRIOR MEETINGS**

1072 Washington Street – Case #3228 (signed as part of the 5/7/14 minute)

726 Main Street – Case #3223 (signed as part of the 5/21/14 minutes)

197 Wessagussett Road – Case #3231 (signed as part of the 5/21/14 minutes)

#### **OTHER BUSINESS**

Mr. Clarke stated that Cumberland Farms has requested a minor change to the curbing for their recent special permit decision granted for 767 Main Street. The approved plans show an extruded concrete curb for the site's curbing and they are now looking to installed sloped granite curbing. On June 4, Cumberland Farms requested approval for sloped granite curbing and enclosed a specification detail sheet. The Planning Department and Building Department are in agreement with this request.

Ed Foley motion to approve the sloped granite curbs as discussed and was seconded by Jonathan Moriarty. Voted Unanimously.

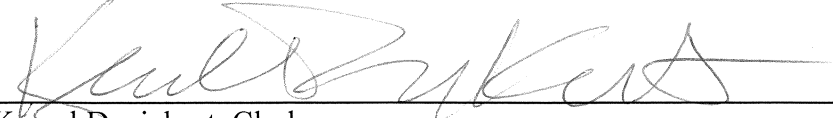
#### **UPCOMING MEETINGS –June 18, 2014, July 23, 2014, August 20, 2014**

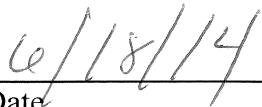
#### **ADJOURNMENT**

Ed Foley made a motion to adjourn at 8:30 pm and was seconded Kemal Denizkurt. Voted unanimously.

Respectfully submitted by,  
Lee Hultin, Recording Secretary

Approved by:

  
Kemal Denizkurt, Clerk

  
Date