

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, June 18, 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
Abby McCabe, Principal Planner
Lee Hultin, Recording Secretary

Vice Chairman Foley called the Board of Zoning Appeals meeting to order at 7:08 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

BZA Case # 3230 – 1224 Commercial Street - Public Hearing

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

Special Permit: Multiple dwelling (Section 120-27 C “Special Permit Uses”).

Presently located on the premises is a single-family residence. The petitioner is proposing to remove the existing building to construct nine (9) new residential dwellings and 18 off-street parking spaces.

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

Ms. McCabe stated that the applicant requested that this be continued to the next meeting on July 23, 2014 to allow more time to submit the requested revisions.

A resident of the public and neighbor noted that they were not available for the July 23 meeting. Mr. Foley responded that there is a chance this application could be continued to the August meeting but for now the hearing is continued to July 23 and advised him to check in with the planning department prior to the meeting to verify the hearing date.

Jonathan Moriarty made a motion to continue the public hearing for Case #3230 for 1224 Commercial Street to the next meeting on July 23, 2014 and was seconded by Kemal Denizkurt. Voted Unanimously.

Case #3227 – 1434 Pleasant Street – Public Hearing

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

Special Permit: Multiple dwelling (Section 120-27 C “Special Permit Use”).
Variance: Relief of nine (9) parking spaces from the minimum required off-street parking spaces (44 spaces required, 35 spaces proposed) (Section 120-74).

Presently located on the premises is a 2,000 SF two story building with one commercial unit on the first floor and one residence on the second floor. The petitioner is proposing to remove a portion of the existing building to construct a new 2.5 story building for 18 residential dwelling units and 35 off-street parking spaces. The residence and the commercial space in the existing building are proposed to remain.

Members sitting: Edward Foley, Vice Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brandon Diem, Alternate Member

Kemal Denizkurt made a motion to reopen the public hearing on Case #3227 1434 Pleasant Street and was seconded by Jonathan Moriarty. Voted unanimously.

Appearing before the Board was the applicant Mr. Joseph McClaughlin and his Attorney David Kelly of 45 Braintree Hill Office, Suite 302, Braintree, Ma. Also in attendance was James Burke-Civil Engineer, Arthur Choo of Choo & Company, Daniel Dulaski project Traffic Engineer and Mark Kopchell of MKA Landscape Architects.

Attorney Kelly stated that the last meeting the applicant has addressed the number of units in the plan. They have reduced the total number of units from 19 to 17 units. This plan also eliminates the parking variance that was previously needed. In addition, they reduced the size of the building by 680 square feet. They eliminated the skylights, added grids and shutters to make more colonial. The front entrance now has pillars and includes two medallion features. The color of the roof shingles is now a colonial color. They added balconies to the units and increased the landscape plan.

The attorney reminded the Board that a staff member of the Department of Veteran’s Affairs is supporting this project and has submitted a letter which was partially read into the record.

The applicant handed out what was labeled Exhibit #3 which is a comparison to 6 other smaller studios in apartment complexes throughout Weymouth.

A copy of the plans were submitted to Councilor DiFazio for review with the EWNA (East Weymouth Neighborhood Association). The applicant has decreased the units from 16 micro units to 14 micro units if 6 spaces in rear are eliminated it would need a variance for 2 spaces.

Mr. Burke, the project engineer, reviewed the design changes and answered any questions they had. Some major changes include looping the water pipes, reducing the water pipes from 12 inch line to an 8 inch line for better water pressure. The sewer line changed to be closer to the building. The drainage was increased in size and the parking layout was changed.

The balconies may need to be redesigned to align with the building codes as commented on by the building department.

The Board reviewed the Traffic Engineers comments with the applicant in regards to parking spaces. In addition, the Fire Departments comments were also discussed with concerns that fire fighting access was not adequate as stated in the Fire Prevention Officer's memo of 6/16/14. The applicant responded that the building would have sprinklers. Also, the building department noted that all parking spaces must be 9' x 18'.

John Moriarty asked about access to the dumpster and if it would be fenced in. The applicant responded that each unit will bring their trash out to the dumpster and that will be emptied by a dumpster service and that the dumpster would be enclosed.

The landscape architect, Mark Copchell made a presentation outlining the changes that were made to the landscaping that include a 5-ft planting area on Pleasant street in a bump in on within the Town's right-of-way.

Vice Chairman Foley opened the hearing to public comment.

Public Comment:

Councilor Ken DiFazio stated that he has not seen the updated landscape drawing. All residents he has spoken with have skepticism on the micro unit plan. Even if reduced to 14 units they do not believe it fits in with the Jackson Square plan. He would like the attic and basement space prohibited from living space. He is in favor of removing the 6 parking spaces in the rear and further reducing the total number of units. The drainage in the municipal lot is always flooding and he asked that the applicant assist in resolving this issue. Councilor DiFazio was also supportive of a minimum of one year leases. He has heard about veteran's living in these units but does not see a commitment for this. He believes they are trying to put too many units on this lot even after they have reduced the number of units.

Councilor Bob Conlon stated that a rooming house is not conducive to the character of this area and believed the proposal would be similar to a rooming house. He asked if they have a contract with the veteran's administration to sublet the unit. The applicant stated no, there is no commitment it was merely a letter of support for this project. He suggested reducing the total number of units to 13 would be more reasonable.

The applicant stated that they do have a one-year lease with this project.

Wayne Matthews, President of East Weymouth Neighborhood Association - they do not believe that 17 micro units is consistent with the village area concept. There will be traffic safety

concerns for the children at Pingree School. The landscaping plan is inadequate and the proposed use was not appropriate use for the site. Where will guests park? The municipal lot is not adequate for their overflow as the local businesses need these spaces.

Stephanie Fox, she doesn't believe he will get \$1,000 a month for these units. The Municipal lot is already over run and is concerned with overflow. Weymouth builds on every inch that is available. She does not support this project.

Bob Thomas, believes there is inadequate access to the dumpster. If there are two handicap spaces, one has to be 11 feet wide for handicap van accessibility. These spaces should be closest to the entrance. Is the building handicap accessible? He questioned whether the proposed plan meet accessibility requirements.

Julie Doyle, 38 Bantree Drive has a child at Pingree School and her kids walk home every day. You are now adding more traffic to the area. She is concerned as her kids go to the library, teen center and post office. She would like to revitalize and not abuse the area.

Beverly Demorat, 72 Harding Avenue – She is not in support of this proposal. Anyone living in these units would need a vehicle and that will create more traffic. We cannot continue to shrink our local business districts.

Mr. Simmons, Shawmut Avenue. He is not in support of this proposal. These type of units are built in Boston, not suburban areas. There are studies being done on the effect of living in such small spaces could cause health problems. These units also drive up the rents in the surrounding areas.

Joe Spalding, 7 Shawmut Avenue is concerned about what type are people are going to be living in these units. Why not build apartments that will draw in residents that will want to stay and be part of the community. These are much too small.

A disabled Veteran from 35 Bay Street, Hull who lives in one of the applicant's units stated that the applicant never said he was building them for the Veteran's but that he does do a lot for the Veterans.

Dan McKay, 1429 Pleasant Street-he lives directly across the street and has two kids. He is very concerned about the amount of vehicles coming and going. Also, can a fire truck even get in there? He does not believe it can as they do not support it and have concerns themselves.

Denis Chillins, Shawmut Avenue – He is a veteran as well and would like to see somewhere for them to live but this isn't the place. An emergency vehicle cannot get in there if there is a fire.

Dave Baker, 1216 Commercial Street – He recently saw a plan for new fields at Lovell Field and this is going to create more traffic into the area as well and should be considered as a big picture.

Pat O'Leary, 999 Commercial Street – doesn't believe this is a fit for the neighborhood. She would like to see some green space added in the parking lot area.

Mike Healy, 1419 Pleasant Street – If the applicant eliminated the attic and basement space the building wouldn't be as large. The staircases in the units seems very important to the applicant and he believes they will be a bonus room for more living space.

Continued Board Member Discussion:

Chuck Golden asked about Exhibit #3 that was passed out, these comparisons have other units with 1-4 bedrooms in them. He asked for the comparison of the percentage of micro units.

The Board requested continuing the hearing for the applicant to address fire department comments, verify the floor area ratio, update the parking layout to address the traffic engineer and building department comments, increase the size of the accessible parking spaces, meet the 3-ft building code setback or remove balconies.

Jonathan Moriarty made a motion to continue the public hearing to August 20th at 7:00 pm. and was seconded by Kemal Denizkurt. Voted unanimously.

Case # 3229 – 110 Main Street - Public Hearing (continued from 6/4/14 meeting)

Petitioner:	NSC Wholesale Holdings LLC	Richard McLeod, Chairman
Locus:	110 Main Street	Edward Foley, Vice-Chair
	Sheet 29, Block 329,	Kemal Denizkurt
	Lots 10, 12, 15, 21	Chuck Golden
Zoning:	B-1 (Limited Business)	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)

The Board voted to re-open the public hearing for 110 Main Street Case 3229 continued from the June 4, 2014 meeting.

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

Attorney Greg Galvin and the applicant Mr. Gold appeared before the Board. After request of the Board, the applicant redesigned the original sign that was 443 square feet and it is now reduced to 304 square feet.

The size of the sign has been reduced to 304 sq ft. The Staples sign is approximately 149 square feet and Michaels sign on Bridge Street is 128 sq ft. The store frontage for Staples is 134 linear feet and National Liquidators has over 270 linear feet.

Jim Clarke stated that this appears to be a unique case as there are not a lot of plazas in Weymouth. There are 3 in town setback a substantial distance from the street. He believes taking off the logo and reducing the letter size has made it more consistent with what the Board has approved in the past.

Chairman McLeod agrees with this. If you go any smaller you won't be able to read it from the street.

Chuck stated that it is still over 4 times of what is allowed. The town has gone in a different direction on signage over the past 14 years since Lowe's was approved 14 years ago. In order to continue with our direction we need to compare to all the locations in town and not just Lowe's.

Jonathan asked if the sign on the building is back lit or would have lighting and the applicant did not have the lighting details at this point in time.

Public Comment:

Donna Shea, 37 Heritage Lane was supportive of the sign application.

The distance from the street to the entrance of the store is 519 feet.

Jim Clarke believes a significant effort from the applicant has been made. The owner of RK Plaza has also made a great deal of improvements to the intersection with the new signaling as well as the façade. He understands the Board not wanting to take precedence but you are allowed to take them on a case by case basis.

Ed Foley made a motion to close the public hearing on Case # 3229 and was seconded by Jonathan Moriarty. Voted unanimously.

Ed Foley made a motion to approve the application for the variance for the sign. The applicant has reduced the size of the sign by over 25% reduction from the original submission. The hardship is that the tenant's / applicant's wall is 590 feet from the road. Due to the distance from the lot and the shape of the building and the improvements made to the façade and intersection. Relief if granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The motion was seconded by Jonathan Moriarty. Voted unanimously.

APPROVAL OF MINUTES – June 4, 2014

Ed Foley made a motion to approve the minutes of June 4, 2014 as written and was seconded by Jonathan Moriarty. Voted unanimously.

SIGNING OF DECISIONS FROM PRIOR MEETINGS – 41 Clematis Avenue / 151 Idlewell (Case 3232) included in the approval of the 6/4/14 minutes.

OTHER BUSINESS

UPCOMING MEETINGS – July 23, 2014, August 20, 2014 and September 3, 2014

ADJOURNMENT

Ed Foley made a motion to adjourn at 9:35 pm and was seconded Kemal Denizkurt. Voted unanimously.

Respectfully submitted by,

Lee Hultin
Recording Secretary
Approved by:



Richard McLeod, Chairman

8.20.14

Date