

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, July 23, 2014**

Members Present: Richard McLeod Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Rob Stevens, Alternate Member

Also Present: Jim Clarke, Planning Director
Abby McCabe, Principal Planner
David Robinson, Planning Department Intern
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 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 Continued from 5/21/14 & 6/18/14

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 (absent)

Jonathan Moriarty made a motion to reopen the public hearing on Case #3230 for 1224 Commercial Street and was seconded by Chuck Golden. Voted Unanimously.

Appearing before the Board was Attorney Frank Baldasini representing the applicant Mr. Jim Miller. Mr. Baldasini stated that originally there were nine units proposed with three buildings each housing three units. He met with Councilor Ken DiFazio and abutters and discussed their concerns. The applicant has since changed the plans to eight (8) units, three (3) in the front, three (3) in the back and two (2) on the side with a natural buffer put in place. To reduce the units any further would be an economic issue for the applicant.

The applicant would like to address any concerns the neighbors may have at this time.

Abby McCabe, Principal Planner, reviewed staff comments as outlined in her memorandum dated July 23, 2014 and related to the curb cuts, sight lines, plantings, lighting, and berms based on the revised plans submitted on July 16 to the Planning Department. A memorandum from the Town's Traffic Engineer was submitted stating that most comments were addressed but the curbing still needed to be modified so that a vehicle could have direct access to unit three and the areas around the driveway needed to be clear for sight visibility. She also stated that the Department of Public Works (DPW) has not completed their review of the revised plans and needed more time to review. Ms. McCabe requested that the hearing be continued to allow time for DPW to review the revised plans.

Ed Foley would like to know if the Fire Department's comments have been addressed and Ms. McCabe stated she will check with the Fire Department and get back to the Board.

Vice Chairman Foley opened the hearing to public comment.

Public Comment:

Jessica Baker, 1216 Commercial Street – She has many concerns regarding this proposal as she is a direct abutter and is completely against this project. She read her letter that outlined her concerns. She did not feel this site was the right location, the units needed to be minimized and would like a traffic study performed as there are many accidents at this location.

Letter from Jessica Baker was labeled Exhibit #1 and entered into the record.

Ed Foley made a motion to continue this public hearing until the August 20, 2014 Board meeting and was seconded by Jonathan Moriarty. Voted Unanimously.

BZA Case # 3233 – 211 Main Street – Public Hearing

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

- Variance: Relief of 321 SF from the maximum sign area requirements for wall signs (396 SF total proposed, 75 SF maximum required per business) (Article XVI, Section 120-64.3A)
- Variance: Relief of 105 SF from the maximum sign area requirements for the free-standing sign (225 SF proposed, 120 SF maximum required for double sided signs) (Article XVI, Section 120-64.3B(1)).
- Variance: Relief from the maximum allowance of one sign per lot to allow a second free-standing sign on the lot (Article XVI, Section 120-64.3B).

Presently located on the property are two retail buildings in the B-1 zone. The petitioner has applied to remove the existing building, wall, and free-standing signs and replace with new signage that exceeds the maximum allowable sign area and install a second free-standing sign.

Members sitting: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Rob Stevens, Alternate Member

Ed Foley made a motion to open the public hearing on Case #3233, 211 Main Street, and was seconded by Johnathan Moriarty. Voted Unanimously.

Ed Foley made a motion to waive the reading of the published legal notice on Case #3233, 211 Main Street and was seconded by Johnathan Moriarty. Voted unanimously.

Appearing before the Board was Andrew Gordon from Weymouth Honda.

Andrew Gordon stated that Weymouth Honda is looking to upgrade their current signage. He stated that Honda would remove the existing fencing around the property. Honda has several franchises in the building, auto, marine, and motorcycle. Honda is proposing a new double sided pylon sign and to upgrade the existing signs by replacing with new ones. He noted that he received the staff comments with recommendations today (memo from Abby McCabe dated July 23).

Rob Stevens asked for the list of franchises on that location. He is concerned with the layout of the site and believes it is very confusing with all the entrances and not as safe as it could be.

Jonathan Moriarty stated that the building is right there on Route 18 with no setback and they have 10 signs. He asked about directional signs within the lot and it was stated that they were within the original application that was withdrawn earlier in the year.

The applicant will resubmit a plan which shows where all the signs will go and come to an agreement with the Planning Department staff and will submit a final plan to the Board.

Jim Clarke reviewed his comments with the Board and if the Board approves the free standing sign then the sign on the north side of the building should be removed. "Weymouth" is part of the Honda business and part of Weymouth and the town would hate to have them get rid of that. Jim also suggests further discussion on the existing free standing sign as it is now going to be double in size (shown as 11 in the application). Some of the signs in the back could also be reduced in size.

Chuck Golden stated that the staff has given the applicant suggestions on what to do and the applicant needs to finalize what signs he wants so the Board can approve them or not. Decision needs to be made by the applicant and then he should come back to the Board.

Jonathan stated that he is not a fan of the second free standing sign. John and Rick also asked to clarify the plan for the new Honda cylinder on the front of the building and provide an update in the revised submission.

Ed Foley made a motion to continue this public hearing to the Board's August 20, 2014 meeting so the applicant can revise the application according to Board and staff comments recommending reducing the total amount of relief. The motion was seconded by Jonathan Moriarty and unanimously voted.

Case # 3234 – 24 Parnell Street – Public Hearing

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

Variance: Relief of ~8 ft. from the minimum front yard setback for an addition (18 ft. required, ~10 ft. proposed) (Table 1 – District Regulations).

Special Permit: Extension or change of a non-conforming structure. The lot is under the 5,000 SF minimum required lot size (Section 120-40 & Section 120-52).

Presently located on the premises is a single-family residence. The petitioner is proposing to remove the existing deck to construct an addition on the front of the house within the front yard setback.

Members sitting: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Rob Stevens, Alternate Member

Ed Foley made a motion to open the public hearing on Case #3234, 24 Parnell Street, and was seconded by Johnathan Moriarty. Voted Unanimously.

Ed Foley made a motion to waive the reading of the published legal notice on Case #3234, 24 Parnell Street and was seconded by Johnathan Moriarty. Voted unanimously

The applicant and property owner, John Bonner appeared before the Board. The addition is proposed on the front of the house as it would be a financial hardship to place the addition in any other location because the bathrooms and plumbing fixtures are located at the rear. The proposed addition is 1.5 stores and is 19 ft. by 12 ft. He explained that the original submission to the Board did not include a certified plot plan but one has since been created and was submitted to planning staff.

Abby McCabe explained that the certified plot plan showed the proposed addition to be 7.5 ft. from the front lot line instead of the 8 ft. as shown on the original mortgage plan and thus the relief would be for 7.5 instead of 8 ft.

Rob Stevens asked for new updated elevation / architectural design plans.

Chairman McLeod provided the public the opportunity to speak and there were no public comments.

Ed Foley made a motion to close the public hearing on Case # 3234, 24 Parnell Street and was seconded by Jonathan Moriarty. Voted Unanimously.

Ed Foley made a motion to approve the special permit for extension or change of a non-conforming structure on the basis that the applicant has met the following Special Permit Findings under Section 120-22D:

1. That 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.

Ed Foley made a motion to approve the variance for relief of 7.5 ft. from the front yard setback requiring a minimum of 18 ft. The applicant proved that a literal enforcement of the setback would be a financial hardship due to the layout of the house and the exterior mechanicals and plumbing. The Board conditioned that updated design plans be submitted reflecting the approved setback relief. The motion was seconded by Jonathan Moriarty seconded and voted unanimously.

Case # 3235 – 201 Wessagusset Road – Public Hearing

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

Variance: Relief of 16.35 ft. from the minimum front yard setback for a deck (18 ft. required, 1.65 ft. proposed) (Table 1 – District Regulations).

Special Permit: Extension or change of a non-conforming structure for relief from the maximum required lot coverage (44% existing, 49% proposed, 30% maximum allowed) (Section 120-40).

Presently located on the premises is a single-family residence in the R-1 zone. The petitioner is proposing to construct a ~192 SF deck on the front of the house within the front yard setback.

Members sitting: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Rob Stevens, Alternate Member

Ed Foley made a motion to open the public hearing on Case #3235, 201 Wessagusset Road and was seconded by Johnathan Moriarty. Voted Unanimously.

Ed Foley made a motion to waive the reading of the published legal notice on Case #3235, 201 Wessagusset Road and was seconded by Johnathan Moriarty. Voted unanimously.

Appearing before the Board was Steve Zimmerman, owner and applicant. The applicant explained that they were applying to construct a porch on the front of the house within the front yard setback. He noted that he recently received comments from the Building Department that the state building code requires that all structures be at least 3 feet from the property line and they are amendable to reducing the size of the deck to 6 feet x 24 feet so that it will be setback 3 ft. from the front property line.

Chairman McLeod provided the public the opportunity to speak and there were no public comments.

Ed Foley made a motion to close the public hearing on Case # 3235, 201 Wessagussett Road and was seconded by Jonathan Moriarty. Voted Unanimously.

Ed Foley made a motion to approve the special permit under 120-40 and 120-52. Extension or change of a non-conforming structure for relief from the maximum required lot coverage (44% existing, 49% proposed, 30% maximum allowed) (Section 120-40) with a condition that the applicant reduce the size of the deck so that it will be setback 3 feet from the property line (~6 ft. x 24 ft.) and a revised plan be submitted to the Planning Department.

The applicant has met the following conditions under Section 120-22D:

1. That 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.

Ed made a motion to approve application for the Variance for the deck within the minimum required front yard setback. Due to the typography of the lot there is no other place to put the deck. Voted Unanimously.

Case # 3236 – 65 & 67 Grant 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 structure. The existing structure is nonconforming with respect to the front yard setback. Relief of 14.6 ft.

from the minimum front yard setback for a deck (18 ft. required, 3.4 ft. proposed) (Section 120-40).

Presently located on the premises is a two-family residence in the R-1 zone. The petitioner is proposing to construct a ~130 SF deck on the northerly side of the house fronting on Hill Street 3.4 ft. from the front property line.

Members sitting: Richard McLeod, Chairman
 Edward Foley, Vice Chairman
 Chuck Golden
 Jonathan Moriarty
 Rob Stevens, Alternate Member

Ed Foley made a motion to open the public hearing on Case #3236, 65 & 67 Grant Street, and was seconded by Johnathan Moriarty. Voted Unanimously.

Ed Foley made a motion to waive the reading of the published legal notice on Case #3236, 65 & 67 Grant Street and was seconded by Johnathan Moriarty. Voted unanimously.

Appearing before the Board was Dan Shea, the builder representing the property owner. He explained that this is a two family and one side already has a deck and the proposed deck will be on the second apartment and will connect to the existing deck. There will not be another set of stairs. He submitted letters from the abutters supporting the construction were submitted as Exhibit #1 and photographs were submitted as Exhibit #2.

Ed Foley noted that the drawing submitted to the Board showing the elevation of the deck was not sufficient as it was difficult to understand and asked that a new one be submitted.

The public was given the opportunity to speak and there were no public comments.

Ed Foley made a motion to close the public hearing on Case # 3236, 65 & 67 Grant Street and was seconded by Jonathan Moriarty. Voted Unanimously.

Ed Foley made a motion to approve the Special Permit under Section 120-40. The applicant has proposed a deck that will not encroach any further on the front yard setback and the applicant has shown that due to the typography of the lot creates a hardship to place this deck in another location. The Special Permit was approved with the condition that the applicant submit a new drawing of the deck before a building permit is issued and the lot is cleaned up. Jonathan Moriarty seconded this motion. Voted Unanimously.

APPROVAL OF MINUTES – June 18, 2014

Ed Foley made a motion to approve the minutes of June 18, 2014 as written and was seconded by Jonathan Moriarty. Voted unanimously.

SIGNING OF DECISIONS FROM PRIOR MEETINGS

110 Main Street (Case #3229) – approved with the June 18, 2014 meeting minutes.

OTHER BUSINESS

Election of Officers/Board Reorganization

Ed Foley made a motion to open the nominations and Jonathan Moriarty seconded. Voted Unanimously.

Ed Foley made a motion to nominate Richard McLeod as Chairman and was seconded by Jonathan Moriarty. Voted Unanimously.

Richard McLeod made a motion to nominate Ed Foley as Vice Chairman and was seconded by Jonathan Moriarty. Voted Unanimously.

Ed Foley made a motion to nominate Kemal Denizkurt as Clerk and was seconded by Jonathan Moriarty. Voted Unanimously.

Review of Board's Rules & Regulations and application process at upcoming meetings in August and September

Abby stated that these were last adopted in 2011 and the applications and regulations need updating. She has some items she would like added to them and Ed Foley said that he would like to add that drawings need to be appropriate.

Rob Stevens suggested fillable PDF documents for applicants and suggested reaching out to the local community familiar with this process such as the local attorneys. He also suggested moving towards an electronic submission system.

UPCOMING MEETINGS – August 20, 2014 and September 3, 2014, September 17, 2014

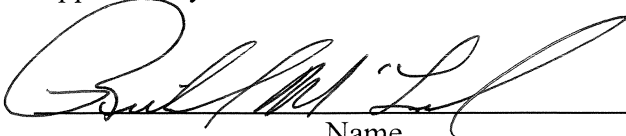
ADJOURNMENT

Ed Foley made a motion to adjourn at 9:00 pm and was seconded Jonathan Moriarty. Voted unanimously.

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:



Name

8-22-14

Date