

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, September 3, 2014**

Members Present: Richard McLeod Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Kemal Denizkurt
Brandon Diem, Alternate Member
Rob Stevens, 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 7:15 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

OLD BUSINESS

Case # 3227 – 1434 Pleasant Street (Special Permit for multi-family) – Deliberation and Discussion on a Public Hearing Closed 8/20/14.

The petitioner, My Journey's End, LLC, is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit:	Multiple dwelling (Section 120-27 C "Special Permit Uses").
Variance:	Relief of nine (9) parking spaces from the minimum required off-street parking spaces (44 spaces required, 35 spaces proposed) (Section 120-74)). (This Variance is no longer needed).

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 in the B-2 zoning district. 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
Chuck Golden
Jonathan Moriarty
Kemal Denizkurt
Brandon Diem

Discussion and Deliberation:

Kemal Denizkurt stated that he is still concerned with the parking situation. Spaces 24, 25, 26 are of a particular concern as two of them need to back up past 5 spaces just to turn around. In addition, an egress door directly into the parking lot. It's a tight lot and there is not a lot of open space. There is a high concern about the safety of pedestrians in this lot.

Jonathan Moriarty and Chuck Golden both stated that they share the same concerns as Mr. Denizkurt. Mr. Moriarty added that space numbered 26 is up against the building and the accessible space are not ideal and the proposed number of units is causing the parking difficulties.

Kemal Denizkurt also stated that he is not sure how the commercial space will be serviced with large delivery trucks and doesn't believe the intent of a municipal lot is for deliveries to local businesses.

Vice Chairman Foley and Chuck Golden stated that they still believe there are too many units even though they were reduced by the applicant from the original application submission. The number of units compared to the site's acreage is too high for the property as shown in staff's density analysis which does not allow any green space or landscaping on the site. The original intent was to create micro units and now the applicant has converted the units into one bedrooms and the explanation was due to the fact that the applicant listened to the board and public comments. Vice Chairman Foley reminded the board that the public came out with overwhelming opposition to this project and there is added concerns with traffic impacts because of the library and teen center.

Brandon Diem stated that he believes the project is physically too large for the area. The scale, mass, design, and size of the building are too big for the proposed location on the property on the outskirts of the Jackson Square Village. The building's placement on the side of the lot [north side] is not ideal or compatible with the surrounding buildings which would ultimately change the character of the village neighborhood. He suggested the building be relocated from the back of the lot and more proportional to the neighborhood.

Jim Clarke, Planning Director, stated that the Planning Department will compile all the board members comments along with the public comments and testimony for the board to deliberate on at the board's September 17th meeting.

Jonathan Moriarty made a motion to close the deliberation and continue the vote on September 17, 2014 and was seconded by Kemal Denizkurt. Voted Unanimously.

BZA Case # 3230 – 1224 Commercial Street (Special Permit for multi-family)

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

Chairman McLeod asked the applicant, Jim Miller, if he wanted to continue this until the next meeting when his attorney could be present and Mr. Miller agreed.

Vice Chairman Ed Foley made a motion to continue Case # 3230 to September 17, 2014 and was seconded by Kemal Denizkurt. Voted Unanimously.

BZA Case # 3233 – 211 Main Street (Honda Signage)

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

Jim Clarke reviewed the history and the staff comments on this application. Mr. Clarke reviewed the recommendations as outlined in the planning staff memo dated September 3, 2014 provided this evening to Board members. The suggestions are based off of the staff memo and plan provided for the July 23 public hearing.

Rob Stevens noted that he is concerned about the location of the second pylon sign and he would like to see the specs on this sign's location. When the applicant comes back with the additional proposal he would like to see a traffic engineer review the proposal. He added that the stockade fence is also in need of repair.

Ed Foley made a motion to approve this application for a variance on building #1 – Motorcycle, Marine and Power Equipment as follows:

<u>Sign Number</u>	<u>Sign</u>	<u>Action</u>
E-1	Honda Marine	Remove wall sign
E-2	Honda Power	Remove wall sign
E-3	Honda	Remove roof sign
E-3	Honda	Remove front wall sign
N-2	Honda Motorcycle	Approve new wall sign
E-4; N-1	Honda Service	Approve upgrade of wall sign
E-7; N-4	Welcome, Emblem	Approve upgrade from Welcome to Emblem
E-11; pylon	Weymouth Honda	Upgrade top two signs, no change in size

The applicant should also be required to remove the chain link fence along the southeast corner of the lot as he has agreed to do. The stockade fence on Front Street also needs to be repaired. The above sign changes reduce the total signage on the site from 747 SF to 554 SF or a 25% reduction from current signage. The signage is less cluttered and better directs customers to the appropriate locations. The new pylon sign identifying the Main Street entrance and makes it more safe for vehicles entering and exiting the site.

Jonathan Moriarty seconded. Voted Unanimously.

Ed Foley made a motion to approve this application for a variance on building #2 – Automobile Sales and Service building as follows:

<u>Sign Number</u>	<u>Sign</u>	<u>Action</u>
E-6; N-3	Service Center	Replace existing and upgrade as shown
E-12; N-10	Honda	Replace with new Honda sign 20.25 SF
E-8	Honda	Replace
N-5	Weymouth	Add sign
N-8	Entry Emblem	Add emblem
N-6	Honda	Add Honda
E-10	Honda	Remove Honda sign
N-9	Pylon, Emblem	Add pylon with emblem

The applicant should also be required to remove the chain link fence along the southeast corner of the lot as he has agreed to. The stockade fence on Front Street is also in need of repair. The recommendations reduce the total signage on the site from 747 SF to 554 SF or a 25% reduction

from current signage. The signage is less cluttered and better directs customers to the appropriate locations. The new pylon sign identified the Main Street entrance and makes it more safe for vehicles entering and exiting the site. The Board clarified that the sign numbering is based on the plan prepared by McKinnon Associates for Weymouth Honda dated 5/8/2014.

Jonathan Moriarty seconded. Voted Unanimously.

Case # 3240 – 1235 Main Street – Public Hearing (continued from 8/20/14)

The petitioner, Hoa T. & Quy Vu, for property located at **1235 Main Street**, also shown on the Weymouth Town Atlas Sheet 53, Block 593, Lot 5, located in a HT (Highway Transition) and partially within the Watershed Protection Overlay zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

- | | |
|-----------------|--|
| Special Permit: | To construct a new building for retail sales and services (Section 120-22.8A(1)). |
| Variance: | Relief of 4,600 GFA from the maximum size requirements for the new building (maximum of 5,000 SF of gross floor area (GFA) required, 9,600 GFA proposed) (Section 120-22.8A(1)). |
| Variance: | Relief of three (3) parking spaces from the minimum required off-street parking spaces (22 required, 19 proposed) (Section 120-74L & O). |

Presently located on the premises are two buildings previously used for warehouse and office uses totalling ~7,000 GFA. The petitioner is seeking to redevelop the site to construct a new one story ~9,600 GFA building, 19 off-street parking spaces, install landscaping and other associated site improvements.

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

Kemal Denizkurt made a motion to continue the public hearing on Case #3240, 1235 Main Street to the Board's September 17, 2014 meeting and was seconded by Chuck Golden. Voted Unanimously.

NEW BUSINESS

Case # 3237 – 1199 Commercial Street – Public Hearing

The petitioner, Ryder Development, for property located at **1199 Commercial Street**, also shown on the Weymouth Town Atlas Sheet 19, Block 249, Lot 6, located in a POS (Public,

Semi-Public, Open Space) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

- Special Permit: A building or group of buildings for occupancy by two or more families in separate dwelling units (Section 120-37.1B “Special Permit Uses”).
- Special Permit: Continuation, extension or change of a nonconforming use or structure (Section 120-39 and 120-40). The existing structure is nonconforming with respect to the front yard setback from Madison Street (20 ft. required, 16.7 ft. provided).
- Variance: Relief from the maximum required lot coverage (80% max. required, 80.6% proposed) (Section 120-37.1C(5)).
- Variance: Relief from the 5 ft. minimum landscape requirement from the side and rear yard paved parking areas (Section 120-37.1C(4)).

Presently located on the premises of the ~287,496 SF lot are five buildings owned by the Roman Catholic Archbishop of Boston. The petitioner is proposing to renovate the former school building to construct 12 residences, 28 off-street parking spaces and to subdivide the parcel so the residential building is on its own 32,992 SF lot.

Chuck Golden made a motion to open the public hearing on Case #3237 and was seconded by Jonathan Moriarty. Voted Unanimously.

Chuck Golden made a motion to waive the reading of the published legal notice on Case #3237 and was seconded by Jonathan Moriarty. Voted Unanimously.

Appearing before the board was Attorney Gregory Galvin and the applicant Mr. Ken Ryder. Attorney Galvin explained that the applicant has already purchased this property and summarized the proposal. The asphalt will be removed from the existing island areas and plantings will be installed and the applicant will maintain the landscaping. There will be more decorative lighting put in the parking lot. Some of the asphalt in the front of the building will be removed and grass will be planted in that area. The façade of the building will remain the same with the exception of upgrading the windows. The easement has been completed and filed at the Registry of Deeds.

Presently, the food pantry is in the building and they are looking to move but have not found adequate space yet. Mr. Ryder has offered them the ability to stay on the first floor during the renovations on the second floor. They are currently looking to negotiate the use of the basement with Mr. Ryder until the food pantry can find their own space. This property has been zoned public open space use and is being converted to private use.

Kemal Denizkurt asked what the multi-purpose room will be used for and it was stated by the applicant that he is not sure and Mr. Denizkurt is concerned about parking for that usage.

Abby McCabe, Principal Planner, reviewed the department's comments with the board that was distributed in their meeting packets mailed last week. The property is not within the Conservation Commission's jurisdiction but the Conservation Administrator noted in her memo that storm water runs off the site and recommended drainage and storm water management improvements. The Fire Prevention Officer stated that a new address for the building would be required, the proposal will have to meet the state's building code requirements and the existing fire lane should remain as originally designed. The Traffic Engineer noted that permanent access for the abutting sites is critical for the site's access and maneuverability and the location of the dumpster may be difficult as shown. The Department of Public Works (DPW) had several comments as outlined in their memo including replacing the PVC pipes, identifying the utilities, and the requirement for a Stormwater Management Permit. Ms. McCabe noted that the landscape plans did not match the proposed site plan and there were several discrepancies between the two plans. The proposed site plan only showed one new light proposed for the lot and if any more were proposed their locations should be shown on the plan. Also, the travel aisle widths and parking layout should be re-adjusted so that cars can move in and out of parking spaces as the submitted plan was difficult to access some of the spaces.

Kemal Denizkurt asked about snow removal and Mr. Ryder stated that they may handle it themselves or hire someone, he is not sure yet. Mr. Ryder has assumed responsibility for snow removal on the easement and if the parking lot is resurfaced they will redo the parking lines as there is plenty of room on site.

Mr. Denizkurt asked for a copy of the recorded easement document.

Public Comment:

Dot Canniff, Madison Street asked if there are any plans along Madison Street such as repairing the fence. Mr. Ryder stated that he is going to replace the chain link fence along Madison and he will remove some pavement along the stone wall and plant shrubs and trees. Any run off will be addressed as well.

Councilor Ken DiFazio asked if there could be shrubs installed along the stone wall so the car headlights won't shine into resident's homes on Madison since the lot is at a higher elevation. Also the dumpster should be enclosed. He is not opposed to the project, would like to see 8 units instead of 12 but agrees with this project for this location. He hasn't heard too much from any constituents on this project.

Wayne Mathew's President of East Weymouth Neighborhood Association (EWNA) asked if there are any hazardous materials in the building and the applicant there was some asbestos piping and will need to be disposed of. It was then asked if the removal of the asbestos would affect the food pantry and it was stated that nothing would take place with the food pantry there. Some small things will be done within the next year and nothing major while the food pantry is

there. Some residents are concerned about the location of the dumpster on Madison Street and asked if the applicant would consider relocating the dumpster's location.

Ms. Chicazze, 958 Commercial Street, asked if the applicant would consider 8 units instead of 12 units.

Bob Montgomery Thomas, 848 Washington Street, was supportive of Mr. Ryder's proposal and noted his excellent reputation in town. He stated that he believed Mr. Ryder would comply with all Board of Health regulations regarding the dumpster and go one step further.

John Curshe, 98 Madison Street, asked if there were any changes proposed to the wall on Madison Street and what the construction timeframe was. Mr. Ryder responded that after hearing public comments this evening he will redo the landscaping plans to include shrubbery along the Madison Street wall so the car lights are not shining in windows and drainage will remain onsite. Mr. Ryder replied that the project will take a while due to the food pantry situation but may be next year.

Councilor DiFazio asked if there are any handicap requirements for this building. Attorney Galvin stated no.

Kemal Denizkurt asked if cable would be provided so they do not have to the dish installed on the exterior of the building? Mr. Ryder responded that he will consider this. Mr. Denizkurt asked if the applicant could prohibit the renters from installing the exterior cable dishes.

Vice Chairman Ed Foley asked the applicant to consider reducing the proposal to 10 units instead of 12 units.

Rosella Chicassee, Weymouth resident, asked if the applicant would consider plowing the snow for the Immaculate Church while he is doing his own property.

Valarie Ohanley, Mt. Vernon Road East, asked how many residents are allowed to live in a studio apartment.

Vice Chairman Ed Foley made a motion to continue this public hearing to the Board's October 1, 2014 meeting and was seconded by Jonathan Moriarty for the applicant to submit revised plans incorporating Board, staff and the public's comments. The motion was unanimously voted.

APPROVAL OF MINUTES – August 20, 2014

Ed Foley made a motion to approve the minutes of August 20, 2014 as written and was seconded by Jonathan Moriarty. Voted unanimously.

SIGNING OF DECISIONS FROM PRIOR MEETINGS

Case # 3238 – 11 Wildwood Road, Case # 3239 – 90 Tower Avenue

OTHER BUSINESS

UPCOMING MEETINGS – September 17, 2014, October 1, 2014 and October 15, 2014

ADJOURNMENT

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

Respectfully submitted by,

Lee Hultin
Recording Secretary
Approved by:



Kemal Denizkurt, Clerk

9/17/2014

Date