

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, September 17, 2014**

**Members Present:** Richard McLeod Chairman  
Chuck Golden  
Jonathan Moriarty  
Kemal Denizkurt  
Brandon Diem, Alternate Member

**Absent:** Edward Foley, Vice Chairman

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

Kemal Denizkurt called the Board of Zoning Appeals meeting to order at 7:10 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 (Absent on 9/17/14)  
Chuck Golden  
Jonathan Moriarty  
Kemal Denizkurt  
Brandon Diem

The applicant submitted a letter dated September 9, 2014 requesting a leave to withdraw without prejudice with the intent to resubmit at another time after making changes to the proposed project.

Jonathan Moriarty made a motion to accept the applicant's request for a leave to withdraw without prejudice on Case #3227 and was seconded by Chuck Golden. 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 (absent at 9/17/14 meeting)  
Chuck Golden  
Jonathan Moriarty  
Kemal Denizkurt

**Discussion and Deliberation:**

Kemal Denizkurt stated that due to the location so close to Pingree School, the property and driveways location being near the corner and at a bend in the road, traffic concerns, and the side yard setback on one of buildings only being 10 feet, he is uncomfortable approving the application.

Chairman McLeod agrees and doesn't believe the site is the best location for this project.

Chuck Golden agrees as well and stated that the size of the units (under 700 SF) are not typical of the neighborhood or the town.

Chairman McLeod asked the applicant, Jim Miller, if he would like withdraw his application after hearing the Board's concerns.

Mr. Miller agreed and requested the Board withdraw his application without prejudice.

Jonathan Moriarty made a motion to accept the applicant's request to withdraw without prejudice on Case #3230 and was seconded by Chuck Golden. Voted 4-0 to approve the applicant's leave to withdraw request without prejudice.

**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). (Withdrawn)

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 (absent for 9/17/14 hearing)  
Chuck Golden  
Jonathan Moriarty  
Kemal Denizkurt

The applicant's attorney, Nina Nguyen, summarized the changes since the last hearing in August. The plans have been revised to incorporate the required number of parking spaces and they no longer need the variance for parking relief. The applicant has also agreed not to request approval for the outside storage at this time.

The applicant submitted six letters of support from the abutting properties and was labeled Exhibit #1. The applicant stated that there was no one that was not in support of this project.

Mr. Clarke stated that generally this application meets the criteria for the special permit but the advertising for the outside storage of the marble slab was not included in the legal ad and therefore the applicant is not asking for that at this time so the project can move forward. The applicant will request approval for the outdoor storage at another time.

Ms. McCabe, Principal Planner, reviewed the staff recommendations outlined in her supplemental memo to the Board dated September 17, 2014 and recommended the following conditions of approval be considered by the Board:

- That at least three trees with a 3.5 inch caliper be planted on each side of the driveway along Main Street
- That the hours of loading and unloading be specified or sign the 6 parking spaces in the rear with employee parking signs as the loading area blocks the parking spaces
- And that six copies of final revised plans showing the following be submitted to the Planning Department prior to the end of the appeal period.
  - The Watershed Protection Overlay (WPO) zone on the plan;
  - Remove the 30' x 73-83' outdoor storage area at the rear of the lot;
  - Revise the proposed site plan to show the proposed curb line and lawn areas to match the landscape plan and labelled as such;
  - Three tree plantings on each side of the driveway;
  - Existing and proposed contours at 2 ft. intervals;
  - Catch basin locations and standard catch basin detail;
  - Leaching area detail;
  - Soil data;
  - Stormwater pipe sizes;
  - Grading to direct water into catch basin # 1 or install additional catch basin to capture run-off on site;
  - Two copies of revised drainage calculations stamped by a MA PE.

Attorney Nguyen asked that tree plantings not be required as they did not want to restrict sight visibility lines or block views of their location and would install a flower bed along Main Street. She also asked that the loading hours not be specified. Ms. McCabe responded that there is a 12 ft. wide landscape area 60 ft. long on each side of the driveway along Main Street which would allow three trees to be planted twenty feet apart and not block sight lines. She also clarified that the six rear parking spaces could be signed for employee only instead of regulating the hours of loading and unloading.

Public Comment:

Rosella Cicchese, 958 Commercial Street, asked what is the retail that is going in? It was stated that it is the marble stone business relocating to another site.

Bob Thomas, Washington Street, asked what the loading dimensions were and if a traffic analysis was shown as a presentation.

Jonathan Moriarty made a motion to close the public hearing on Case #3240 and was seconded by Chuck Golden. Voted Unanimously.

Jonathan Moriarty made a motion to accept the withdrawal for the parking variance and was seconded by Chuck Golden. Voted unanimously.

Jim Clarke stated that the staff is recommending approval of this request with the conditions stated this evening.

Chuck Golden made a motion to approve this application for the variance on the size of the building as the following criteria have been met:

***Finding #1: Soil, Shape, Topography***

Owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located.

***Finding # 2: Hardship***

A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise.

***Finding # 3: Public Good***

Desirable 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 or bylaw.

Additionally, the property is being forced to relocate due to the activities of the State widening of Route 18. Jonathan Moriarty seconded and was voted unanimously.

Chuck Golden made a motion to approve the Special Permit on Case #3240 for 1235 Main Street as it has met the following criteria:

1. The specific site is an appropriate location for such a use.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

The motion was APPROVED WITH CONDITIONS: Two trees mixed with flowers and shrubbery planted on each side of the driveway, the six rear parking spaces be signed for employee parking only, two copies of revised drainage calculations stamped by a MA PE be submitted, and six final revised plans be submitted to Planning Department showing: the WPO zone, remove the outdoor storage area, revised site layout plan curb and lawn areas to match landscape plan, add the pavement triangular symbols to the legend, show the tree plantings on the plan, existing and proposed contours at 2 ft. intervals, provide catch basin standard detail, leaching area detail, soil data, stormwater pipe sizes, grading to direct water into catch basin #1 or install an additional catch basin. This motion was seconded by Jonathan Moriarty and approved by a vote of 4-0.

**NEW BUSINESS**

### **Case # 3241 – 110 Main Street – Public Hearing**

The petitioner, Itz a Party, for property located at **110 Main Street**, also shown on the Weymouth Town Atlas Sheet 29, Block 329, Lot 10, located in a B-1 (Limited Business) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance: Relief of 108 SF from the maximum sign area requirements for a wall sign (183 SF proposed, 75 SF maximum required) (Article XVI, Section 120-64.3)

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

Members sitting: Rick McLeod  
Chuck Golden  
Jonathan Moriarty  
Kemal Denizkurt  
Brandon Diem

Jonathan Moriarty made a motion to open the public hearing on case # 3241 and was seconded by Chuck Golden. Voted Unanimously.

Jonathan Moriarty made a motion to waive the reading of the published legal notice on case # 3241 and was seconded by Chuck Golden. Voted Unanimously.

The applicant, Mr. Rich Pettrorius, stated they are seeking a sign variance 150.9 sq ft as the building is 600 feet back from the road. The previous owner, Staples, had been permitted for a larger sign of 172 sq ft, Highland Audio's sign was 188 sq ft back in the 1990's. This location is in the RK Plaza and it is the former Staples location.

Kemal Denizkurt stated that recently RK Plaza was in requesting a variance for another wall sign for a different tenant and the building is set back 600 feet from the street, which is unusual.

Ms. McCabe asked the applicant to clarify the proposed size of the sign because the application submitted listed the proposed sign as 183 SF and thus requested 108 SF of sign area relief. The applicant responded that they revised the sign area calculation based on the channel letters and it was recalculated to be only 150 SF wall sign. Ms. McCabe distributed the list of similar properties in Town and the size of their signs that was compiled by staff in June with the last request from this property. The ItzaParty request is the same size as the Staples sign on Bridge Street.

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

Jonathan Moriarty stated that the Board is very familiar with this site and is aware of the factual circumstances that go along with the site and there isn't much discussion needed as it has already been reviewed previously. The Board has found that because of the setback, the angle of the building to the street, and the high tension wires, the Board has granted relief for wall signs on this building.

Jonathan Moriarty made a motion to close the public hearing on Case # 3241 and was seconded by Chuck Golden. Voted unanimously.

Chuck Golden made a motion to approve the application for a variance for relief of 75 SF for a 150 SF wall sign on Case # 3241 as it meets all the criteria listed below:

***Finding #1: Soil, Shape, Topography***

Owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located due to the depth of the lot and building location.

***Finding # 2: Hardship***

A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise.

***Finding # 3: Public Good***

Desirable 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 or bylaw.

This Variance is for relief of 75 sq ft for a 150 sq ft wall sign. The location of the building, high tension wires, and distance from the street make it a hardship for the business. Jonathan Moriarty seconded. Voted unanimously.

**Case #3242 - 50 & 56 Fogg Road – Public Hearing**

The petitioner, South Shore Hospital, for property located at **50 & 56 Fogg Road**, also shown on the Weymouth Town Atlas Sheet 45, Block 518, Lots 11 & 14, located in a MSD (Medical Services District) and the WPO (Watershed Protection Overlay) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit:	Extension or change of a non-conforming structure (Section 120-40). The property is nonconforming with respect to the street line setback (15 ft. required, 4.7 ft. provided), the landscape requirement (5 ft. required, 4.7 ft. provided) and the rear yard setback (10 ft. required, 8.7 proposed) (Section 120-70C & Section 120-51 Dimensional Regulations Table 1).
-----------------	---

Variance: Relief of 1.3 ft. from the rear yard setback (10 ft. required, 8.7 ft. existing and proposed) (Section 120-51 Dimensional Regulations Table 1).

Presently located on the premises is a 110 space parking lot and structure on lot 11 and lot 14 is undeveloped. The petitioner is proposing to remove the existing structure on lot 11 to expand the parking lot by constructing 50 new parking spaces, with a portion of the new parking spaces to be located on lot 14 .

Members sitting: Rick McLeod  
Chuck Golden  
Jonathan Moriarty  
Kemal Denizkurt  
Brandon Diem

Jonathan Moriarty made amotion to open the public hearing on case # 3241 and was seconded by Chuck Golden. Voted unanimously.

Jonathan Moriarty made to waive the reading of the published legal notice on Case # 3241 and was seconded by Chuck Golden. Voted unanimously.

Appearing before the board was Attorney David Kelly, Robert Rodak from South Shore Hospital and Justin Mosca from Vanasse Hangen Brustlin, Inc. The applicant summarized the proposal is to raze the existing cottage shop building to create more parking spaces. Robert Rodak, South Shore Hospital stated that the Hospital is in need of additional parking spaces. They lost 33 spaces with the addition to the Emerson project which was completed in March of 2013. They will not be charging for parking in this lot.

Justin Mosca, VHB stated that the site is 1 acre. There is 110 spaces on the existing site. They will be adding 50 additional spaces to bring it up to 160 parking spaces. The access will be moved further away from Route 18. They will install a stone wall along the south side with shrubbery and a fence from the stone wall to Wilbur Street. Utilities will be disconnected from the site. The lot will be lighted but will not have any spill over. The storm water drains will have a filter system in them.

Chuck Golden asked if the proposal was discussed with abutters and the applicant responded that they have not reached out to them.

Chuck Golden asked what the impacts on traffic will be with the 50 additional spaces as he believed the proposal would generate additional traffic to the area. The applicant responded that they did not believe traffic would be increased with this proposal as traffic is already created by the hospital and they believe the 50 new spaces will releave the traffic problems created by people looking for parking spaces. Mr. Clarke added that a traffic study was not required with this application as the Hospital is the generator of the traffic and trips.



Jonathan asked that the construction trucks stay off Fogg and Route 18 and construction take place only during normal business hours. Snow removal will be done the same way it has always been done and be removed off site. He asked that the lighting along the walkway across Fogg be well lite. It was suggested to put a double head on the light that proposed nearest the crosswalk.

Kemal Denizkurt stated that he did not share the same level of concern about the trip generations. He believes the traffic is already there and it's a matter of how much you can accommodate it.

The applicant stated that there is a signage plan included with the application package but they are not seeking any signage relief.

Mr. Clarke asked if the parkign lot was just for visitors and if there would be valet parking. The applicant responded that this parking is public parking for visitors only, not employee or valet.

Ms. McCabe reviewed her comments as outlined in her memo to the Board dated September 17 that include the comments from other departments. She also reminded the Board to add the additional conditions suggested by Jonathan Moriarty which include construction hours be during business hours only and the constructions vehicles not be stored/parked on Fogg Road or Route 18 and and the double headed light near the crosswalk.

Public Comment:

Steve Phipps, 912 Main Street, is disappointed he was not made aware of this project. He is an abutter. He would like the lot monitored for hospital use only.

Bob Thomas, Washington Street, suggested moving the handicap accessible spaces closer to the hospital in the lot by the door.

Christine Wyatt, 29 Stilman Street, was supportive of the project and likes the design presented with the handicap spaces.

Carol Gibbons, 36 Wilbur, was not notified of this project. She would like the buffer zone to continue along her property line as she is a direct abutter.

Wayne Matthews, 33 Whitman Street, asked if the lot will be one-way? The applicant responded that the lot is large enough to fit 2 way traffic.

Jonathan Moriarty made a motion to close the public hearing on Case # 3242 and was seconded by Kemal Denizkurt. Voted unanimously.

Kemal Denizkurt made a motion to approve the Special Permit on Case # 3242 under Section 120-40, since the existing lot is non-conforming as to setback and the continuation of the parking setback would provide a uniform safe design, and be no more detrimental to the neighborhood.

He motioned the following conditions are:

- That the water service be cut and capped at the water main;
- That the sewer service be cut and capped at the property line and annotated on the plan;
- That the plans be revised to be on the Town of Weymouth vertical datum;
- Add a detail enlargement for the proposed sidewalk ramp to the crosswalk;
- That 6 copies of the final revised plans showing all of the above be submitted prior to filing Board's decision with the Clerk;
- The construction hours are Monday-Friday during normal daytime business hours.
- Construction vehicles be kept onsite and not on Fogg Road and Route 18.
- Snow removal plan for off-site removal that is currently in effect will remain.
- The light fixture be double headed at the cross walk.

Jonathan Moriarty seconded this motion and was voted unanimously.

Kemal Denizkurt made a motion to approve the application for a variance for the rear yard setback on Case # 3242 as the following criteria have been met:

***Finding #1: Soil, Shape, Topography***

Owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located.

***Finding # 2: Hardship***

A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise.

***Finding # 3: Public Good***

Desirable 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 or bylaw.

The applicant is sought relief of 1.3 feet from the rear yard setback for the expanded parking area. Jonathan Moriarty seconded and the motion was approved by a unanimously vote.

**APPROVAL OF MINUTES – September 3, 2014**

Jonathan Moriarty made a motion to approve the minutes of September 3, 2014 as written and was seconded by Chuck Golden. Voted unanimously.

**SIGNING OF DECISIONS FROM PRIOR MEETINGS**

Case # 3233 – 211 Main Street (Honda Signage)

**OTHER BUSINESS - None**

**UPCOMING MEETINGS** – October 1, 2014, October 15, 2014 and November 5, 2014

**ADJOURNMENT**

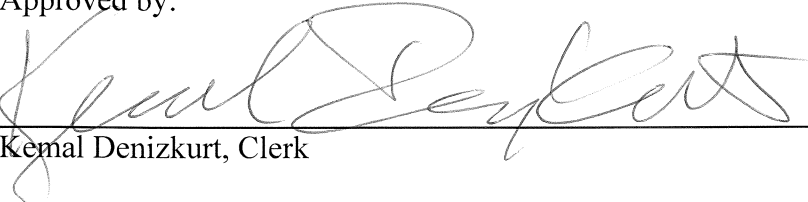
Kemal Denizkurt made a motion to adjourn at 9:00pm and was seconded by Jonathan Moriarty.

Voted unanimously

Respectfully submitted by,

Lee Hultin  
Recording Secretary

Approved by:

 10/1/2014  
\_\_\_\_\_  
Kemal Denizkurt, Clerk Date