

**BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
December 19, 2012**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, December 19, 2012 at 7:15 pm at McCulloch Building, Mary McElroy Meeting Room, 182 Green Street, Weymouth, MA for the purpose of passing on the application of certain persons whose petitions were properly before the Board. Notice of public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

Present: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Kemal Denizkurt, Clerk
Chuck Golden
Jonathan Moriarty
Brandon Diem, Alternate Member
Brad Vinton, Alternate Member

Not Present: Kemal Denizkurt

Staff: James Clarke, Director of Planning and Community Development
Bob Luongo, Principal Planner

Recording Secretary: Mary Barker

The Chairman called the hearing to order at 7:15 PM and explained the procedures that would be followed to the people present. A motion was made to open the public hearing and waive the reading of the legal advertisement, and was seconded and unanimously voted.

BZA CASE #3181-203 Middle Street, Public Hearing

Application of Davis Clapp, LLC for property located at 203 Middle St. also shown on the Weymouth Town Atlas as Sheet 22, Block 291, Lot 9, located in POS zoning district, seeking a Special Permit to convert existing building to ten (10) owner occupied condominium units and for the construction of ten (10) new condominiums on the rear of the subject property within four (4) buildings

Members sitting: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Brad Vinton, Alternate

John Deady, manager of Davis Clapp LLC, and owner of the subject property reviewed his plans. He proposes twenty condos between the existing building and four buildings to be erected on the rear of the property. He prefers Option Two, with eight units and the community room in the existing building and twelve units in four – three unit townhouses. The Clapp building is 109

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years old, he will be adding dormer features that resemble those on nearby Town Hall. He proposed to repair the existing masonry on the building. Mr. Deady will maintain ownership of three units; renting two out, and the units will all have deed restrictions for owner occupancy. All utilities will be brought in underground conduit. The units will all be sold at market value. In the basement of the Clapp building, an 1100 sq. ft. common area will be furnished as a community room, with kitchen and bathroom facilities, for use by public groups. The main entrance to the building will be moved to the rear of the structure and residential parking will be in the rear. Each unit is allowed two parking spaces and there will be twelve guest spaces. This plan is a reduced density from the prior plan proposed by another developer for the property, and is appropriate to the neighborhood. Mr. Deady went door-to-door and solicited signatures from the neighbors supporting the project. He received 150 signatures. The property will have a driveway connecting Broad and Middle Streets that will alleviate traffic congestion in the square, and the town's Traffic Engineer concurs with it. There will be an electric gate at the entrances, which will prevent it from becoming a cut-through. It will allow emergency vehicles to access and egress without having to turn around. The proposed plan will have a negligible effect on schools. Of similar sized developments, an influx of 5 students would be expected. There will not be any outdoor nuisances such as basketball hoops, etc. These condos are designed more for higher end professional residents. He proposes cleaning up the rear of the property and making the site a historical gateway to Central Square. The plan he will use for the rear buildings is the revised one with 4 triplex buildings. There was a brief discussion of trash disposal, lighting and fencing.

Bob Luongo reported the application was routed to the various departments and reviewed the comments, including deleading, asbestos removal and DPW memo addressing construction issues. There was a brief discussion of the fencing and pine grove along the rear of the property, water, sewer and drainage. Roof drain runoff was factored in drainage calculations.

Councilor Michael Smart addressed the board. He noted the Ordinance Committee of the Town Council unanimously recommended the zoning change required in order for the project to go forward. He reported that the committee was favorable of the project as appropriate for the neighborhood. He noted the council has only acted favorably in four cases in the twelve years he's been on the council.

Jody Purdy-Quinlan, Vice-Chairman of Weymouth Historical Commission, supported the project. The project maintains the historical integrity of the neighborhood. The front will feature storyboards illustrating the history of the building and the Central Square district. She also is supportive of clearing the rear of the property and hopes there can be a path between the development with access to House Rock and the Whitmans Pond area.

John Deady noted that pathways is a preliminary discussion only; there currently are no plans to develop that area.

Patricia O'Leary, President of East Weymouth Neighborhood Association, noted the association is pleased with the plan and Mr. Deady has been very responsive to the neighbors.

Michael Geaghan, personal friend of the applicant and business owner supported the project.

Matt Ivil, 113 Springvale Circle, supported the project. He noted the applicant will be an owner occupant.

Susan Peters, 863 Commercial St., supported the project. She noted this is the best plan put forward for the site and the neighborhood.

Colleen Willard, 16 Cabot St., Weymouth supported the project.

Yvonne Howard, 29 Lincoln St., supported the project. As a parent with young children, she is in favor of a project keeps the neighborhood safe for children.

Jim Clarke reviewed some of the technical changes with the applicant, particularly regarding the chimneys, dormers, air handlers and lintels. He also suggested keeping the appearance of a window over the elevator. Mr. Deady responded that he plans to move the elevator back to keep the window.

District 3 Town Councilor Ken DiFazio addressed the board. He noted he has not heard any negative feedback. The applicant was willing to revise plans when the Ordinance Committee and the Town Council reviewed the plans, and Mr. Deady's community outreach was excellent. The spacing and size of the project is appropriate to the area and will be an asset to the Central Square district.

Chairman McLeod noted he was delighted that the applicant reached out to the community before the plan was presented. Projects of this size seldom are heard at public hearing without some opposition; he can't remember another one in his twelve years on the board that drew this kind of support.

Jonathan Moriarty asked if the deed restriction (on all but two of the units) will expire upon transfer. Mr. Deady responded that he hadn't considered it.

A motion was made by Vice Chairman Foley to close the hearing and take the matter under advisement to craft a list of conditions with staff, and will render a decision on the application at its next meeting on January 9, 2013. This was seconded by Jonathan Moriarty and unanimously voted.

BZA CASE #3115– 670-678 Main Street, Minor Modification

Jim Clarke noted the applicant requested to change the location of the dumpster from the plan approved; he would move it from the southwest corner to the northeast paved corner, due to ledge outcroppings. He also requested to increase the height of the fence to 8' around the outdoor sitting areas.

A motion was made by Vice Chairman Foley to approve the minor modification and was seconded by Jonathan Moriarty and unanimously voted.

BZA CASE # 3147- 185 Washington Street, Minor Modification

Jim Clarke noted the applicant requested to change the square footage for signage from 6x6 that was permitted to 4.5x8 proposed. The applicant might also come back to request additional signage. There was a brief discussion regarding the change, and if Dunkin Donuts is opening a concession in the building.

A motion was made by Vice Chairman Foley to approve the minor modification and was seconded by Chuck Golden and unanimously voted.

Minutes

A motion was made by Vice Chairman Foley to approve the minutes from the December 5, 2012 meeting, seconded by Chuck Golden and unanimously voted.

Adjournment

The next meeting of the Board of Zoning Appeals will be on Wednesday, January 9, 2013. Jim Clarke reported that the board can review, discuss and vote to adopt the edited Design Guidelines at that time. At 8:25 PM, there being no further business, a motion to adjourn the meeting was made by Vice Chairman Foley, seconded by Jonathan Moriarty and unanimously voted.

Approved:


Richard McLeod, Chairman