

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
Wednesday, June 27, 2018

**Members Present:** Richard McLeod, Chairman  
Kemal Denizkurt  
Jonathan Moriarty  
Ed Foley  
Brandon Diem

**Also Present:** Robert Luongo, Director of Planning  
Eric Schneider, Principal Planner  
Janet Murray, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building, 182 Green Street, and explained the procedures that would be followed to the people present.

**Old Business:**

1. Case #3356 - Continued from 6/6/2018 - The petitioner, LT&E Properties, Inc., for property located at 1400, 1404, 1414, 1420, 1430 Main Street also shown on the Weymouth Town Atlas sheet 57, block 626, lots, 3, 9, 10, 11, 12, located in the HT Zoning District, and the Commercial Corridor Overlay District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-25.15B      (1) a mixed-use proposal consisting of both a residential and a nonresidential use with the ground floor of the building reserved for retail and/or office use.

Presently the property consists of five (5) contiguous lots, totaling ~126,324 SF (~2.9 acres), with an existing restaurant, a former mixed-use structure, a single-family residence, a former service station/repair shop, and a single-family residence with attached garage. The petitioner seeks to consolidate the 5 lots into one lot, to demolish all structures and construct one 5+ story mixed use building with 153 residential units and ~7,000 SF of retail/commercial space, 115 garaged parking spaces and 85 exterior parking spaces.

Mr. Foley made a motion to re-open the public hearing on Case #3356 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Jeff Tocchio, counsel for the applicant, stated that the project has been before the Conservation Commission. The application was continued but the town's agent has

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noted that the project is in “approvable” shape. The order of conditions is being drafted.

Mr. Tocchio stated that there were two outstanding issues remaining from the previous hearing. These issues are the shadow study and the traffic study.

Ken Hagen distributed a copy of the shadow study. He noted that the greatest impact is on 12/21, the shortest day of the year, in the early morning. The overall impact is minimal.

Jeffrey Dirk, traffic engineer, presented the details of the traffic study.

Mr. McLeod asked Mr. Schneider if the town’s traffic engineer agrees with the report, which he does.

Mr. Foley asked if the work at Pond Street is not completed by Massachusetts Department of Transportation (MassDOT) by the time this project is ready for occupancy, will the developer have to pay for the work to be completed.

Mr. Dirk stated that the developer will be required to complete the Pond Street improvements.

Mr. Moriarty stated that the Pond Street intersection is a level F (failing). There was a pedestrian death two years ago. Mr. Dirk agreed with Mr. Moriarty that this intersection is problematic. He noted that the signal phasing and crossing distances are confusing for pedestrians. The crossing distances are quite long, and the timing needs to be recalculated. The crossing time will be increased.

Mr. Schneider stated that they have worked with Councilor Smart regarding the Pond Street intersection. He added that 500 linear feet of sidewalk will be installed as part of the MassDOT work. The applicant has agreed that if they need the sidewalk work done, they will complete the MassDOT work. If this applicant completes this work, the town will ask MassDOT to install 500 linear feet of sidewalk elsewhere in the Pond Street area.

Mr. Foley asked if there is any word on pedestrian access from the applicant’s property to the MBTA station. Mr. Tocchio stated that there is no new information. He does not believe there will be an issue in receiving the approval for this access.

Mr. McLeod asked if there was anyone present who would like to speak. There was no response.

Mr. Foley made a motion to close the public hearing and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

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Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3356.

**SPECIAL PERMIT**

1. The specific site is an appropriate location for such a use.
2. The proposed use of 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, utilizes 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.

Mr. Foley noted the following as conditions of this approval:

- Snow removal plan to be submitted
- Pedestrian access to the MBTA station
- Trash pick-up between 8am to 8pm
- Trash receptacles screened
- Head in parking (77 and 78)
- Conservation Commission Order of Conditions
- 3 of 5 curb cuts will be removed
- 500 linear feet of sidewalk in immediate area of development/work with MassDOT for additional 500 linear feet
- Pond Street intersection work must be completed before occupancy permit is issued as noted in the state access plan.

The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

**New Business:**

1. Case #3357 - The petitioner, William Hayward., for property located at 27 Cherry Lane also shown on the Weymouth Town Atlas sheet 43, block 503, lot 86, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-40      Extension or change to a non-conforming structure

Presently the property consists of an existing single-family dwelling with an attached garage. The petitioner seeks relief to construct a ~22' x 22' addition at the rear of the existing garage and to construct a ~10' x 31' deck at the rear of the existing dwelling. The side yard setback is currently nonconforming at 5.5 feet. The additional garage space will extend that nonconformity.

Mr. Foley made a motion to open the public hearing on Case #3357 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

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Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Hayward stated that he is looking to extend the garage straight back five (5) feet without encroaching on the 5-foot side yard setback. Electrical service will be provided for the extension but not water or sewer as it will not be used for residential purposes. The additional space is to be used for car storage.

Mr. Denizkurt asked about the dimensions of the addition.

Mr. Hayward stated that the height will be the same as the existing garage.

Mr. McLeod asked if there was anyone present who would like to speak. There was no response.

Mr. Foley made a motion to close the public hearing and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3357.

**SPECIAL PERMIT**

1. The specific site is an appropriate location for such a use.
2. The proposed use of 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, utilizes 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 seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

2. Case #3358 - The petitioner, Corey Johnson, for property located at 21 Tremont Street, also shown on the Weymouth Town Atlas sheet 20, block 265, lot 10, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-40     Extension or change to a non-conforming structure

Presently the property consists of an existing single-family dwelling with a detached garage. The petitioner seeks to add ~516 SF of living space by constructing a multi-purpose room and mudroom on the first floor and by expanding the second-floor bedroom and bathroom space as well as the addition of a master bedroom suite. The

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side and front setbacks of the existing structures are currently nonconforming. The addition will extend existing nonconformity.

Mr. Foley made a motion to open the public hearing on Case #3358 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Corey Johnson, the applicant, appeared before the board with Nima Yadollahpour, the architect.

Mr. Diem disclosed that he is friends with Mr. Yadollahpour. He stated that he believes that he is able to be impartial in hearing the case before the board.

Mr. McLeod asked if there was any objection to Mr. Diem hearing the case. There was no objection.

Mr. Johnson stated that he needs more room for his family.

Mr. McLeod asked if the addition will further encroach on the current setbacks.

Mr. Luongo stated that the foundation will stay within the same footprint. He stated that he did not believe that this would be an issue.

Mr. Yadollahpour noted that the lots in the neighborhood are small and non-conforming. This particular property has a retaining wall. He added that the project will encroach on the front yard setback because of the cantilevered second-floor.

Mr. McLeod questioned if this application needed a variance.

Mr. McLeod asked if there was anyone present who would like to speak. There was no response.

Mr. Foley made a motion to close the public hearing and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3358.

**SPECIAL PERMIT**

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.

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3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes 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 seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

3. Case #3359 - The petitioner, Joseph Simmons, for property located at 20 Chisholm Road also shown on the Weymouth Town Atlas sheet 43, block 500, lot 23, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-40    Extension or Change to a nonconforming lot

The subject property is 11,539 sf and the site of an existing single-family home. Petitioner seeks to divide off 433 sf at the rear of the property which will then be added to the lot known as 345 Ralph Talbot Street also shown on the Weymouth Town Atlas sheet 43, block 500, lot 11.

Mr. Foley made a motion to open the public hearing on Case #3359 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Joe Simmons appeared before the board. He stated that he is looking to sell 433 sf of his back yard. This land will be added to 345 Ralph Talbot Street.

Mr. Denizkurt asked if the applicant had spoken with his neighbors. Mr. Simmons believes that most of the neighbors are in favor of this transaction.

Mr. Luongo stated that the house was built in 1954 when the lot requirement was 10,000 sf. This sale will not drop the size of the lot below that size. He noted that there was a second property involved but the home owner did not respond.

Mr. McLeod asked if there was anyone present who would like to speak. There was the following response.

Laura Howes, 331 Ralph Talbot Street, stated that her home abuts 345 Ralph Talbot Street. She expressed concern regarding drainage when this property is developed.

Mr. Moriarty noted that parking lot pavement would be removed from the site which should improve the drainage.

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Mr. Simmons stated that the developer has agreed to install drainage wells.

Mr. Foley made a motion to close the public hearing and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3359.

**SPECIAL PERMIT**

1. The specific site is an appropriate location for such a use.
2. The proposed use of 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, utilizes 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 seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

**Minutes:** June 6, 2018

A Motion was made by Mr. Foley to approve the minutes from June 6, 2018 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

**Upcoming Meetings:** July 25, 2018; August 15, 2018, September 5, 2018

**ADJOURNMENT**

Mr. Foley made a motion to adjourn at 8:30pm and was seconded by Moriarty. VOTED UNANIMOUSLY.

Approved by:

Mr. Denizkurt, Clerk



7/25/18  
Date