

**BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, January 27, 2016**

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Ed Foley

Also Present: Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:08 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Old Business:

Case #3265 – Continued Public Hearing from 11-4-2015, 12-2-2015 The petitioner, Jennifer Porter, for property located at 73 Cain Avenue, also shown on the Weymouth Town Atlas Sheet 18, Block 246, Lot 1, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-13A Single-Family to a Two-Family

Presently located on the premises is a single-family residential dwelling on a 15,376 SF lot. The petitioner is proposing to demolish an existing detached garage and construct a ~ 1,104 SF addition with a separate entrance, kitchen, bath, two-bedrooms; and to construct a ~13'x 24' deck onto the rear of the dwelling.

Sitting Members: Richard McLeod
Chuck Golden
Jonathan Moriarty
Ed Foley
Kemal Denizkurt

Eric Schneider stated that he has not heard back from the applicant Jennifer Porter.

Ed Foley asked if the applicant has commented any further on the foundation and Eric Schneider stated no.

Ed Foley made a motion to dismiss application without prejudice on case #3265 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Case #3268 – For Deliberation - Public Hearing from 12-2-2015, 1-6-2016 The petitioner, Hang Zhang, for property located at **352-360 Bridge Street**, also shown on the Weymouth Town Atlas Sheet 7, Block 92, Lots 5 & 6, located in the B-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; Dimensional Variance: 120-101 Service Stations, Repair Garages and Car Washes

Presently located on lot 5 is a ~3,984 SF single-story building formerly used for retail sales, lot 5 is ~24,959 SF; presently located on lot 6 is a ~2,183 two-story building formerly used for retail sales, lot 6 is ~9,528 SF. The petitioner is proposing to open an automobile sales and repair business.

Sitting Members: Richard McLeod
Chuck Golden
Jonathan Moriarty
Ed Foley
Kemal Denizkurt

Appearing before the board was Thomas Whinn General Manager and Hang Zhang.

Chairman McLeod reviewed staff comments with the board. The applicant has supplied photos in color of the lighting, fencing and parking etc.

Special Permit Criteria for Approval. The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

1. The specific site is an appropriate location for such a use.
 - a. the proposed use is allowed in the B-2 District with a Special Permit
 - b. the property is located along an established commercial corridor
2. The use involved will not be detrimental to the established or future character of the neighborhood or Town.
 - a. the applicant proposes to repurpose the existing buildings on the site and has proposed aesthetic improvements to the property
 - b. other car dealerships and service stations are currently located along Bridge Street
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - a. a white stockade fence will be installed along the rear and north property lines as a buffer
 - b. the existing gate on the Pratt Avenue side will be permanently closed

- c. the existing gate along Newton Street will be reconfigured to open inwards increasing pedestrian safety.
4. Adequate and appropriate facilities will be provided for the proper operations of the proposed use.
 - a. per Health Department Regulation #27, the applicant will be required to install an oil/water separator at the location of all floor drains and the property will be required to connect to the Town Sewer
 5. The public convenience and welfare will be substantially served.
 - a. the aesthetic and infrastructure enhancements on the site will generally improve the area.
 - b. the property is currently vacant and this project will add to the tax base for the Town

Ed Foley made a motion to approve the Special Permit on Case # 3268 and Kemal Denizkurt seconded this motion.

VOTED UNANIMOUSLY

Variance Criteria for Approval.

The applicant intends to utilize two existing buildings. These buildings do not meet the more stringent setback requirements of Section 120-101. Moving or demolishing these buildings would place significant financial hardship on the applicant and the granting of a variance would not represent a substantial detriment to the public good and would not substantially derogate from the intent or purpose of this bylaw. The lot is surrounded on three sides by public roadways and on the fourth by a residential development which further restricts the applicant's ability to meet the setback requirements.

Therefore, staff recommends approval of the requested Special Permit and Variance with the following conditions.

1. The business must comply with Board of Health Floor Drain Regulation #27, the Town of Weymouth Code of Ordinances Hazardous Materials Section 7-401 as well as the State plumbing Code and any applicable Mass Water Resource Authority (MWRA) Codes.
2. All floor drains in the facility must be connected to an approved oil/water separator and then drain to the Municipal Sewer System. All Hazardous Materials and Hazardous Wastes must be registered with the Health Department. The will be inspected yearly to make sure they are still complying.
3. A white stockade fence shall be installed along the rear property line as well as along the Pratt Street frontage. The existing gate along Pratt Street shall be permanently closed off. The existing gate along the south property line will be modified to open inwards.
4. As per landscaping plan, nine (9) trees will be planted along the rear property line at 30' on-center intervals.
5. All lighting on the property will be focused downwards so as not to create a nuisance for neighbors or a danger for traffic and will be consistent with those shown on the provided renderings.

6. An enclosed and covered dumpster will be maintained to the rear of the building located on lot 6. The dumpster will be picked up when necessary between the hours of 9 AM to 5 PM.
7. All repair and maintenance activity will cease at 6PM. Retail business hours will be as follows:
 - Monday to Thursday 9AM to 8PM
 - Friday and Saturday 10AM to 6PM
 - Sunday 10AM to 5PM with no maintenance on Sundays.
8. The existing free-standing sign will be utilized.

Jonathan Moriarty seconded this motion.

VOTED UNANIMOUSLY

Case #3269 – For Deliberation – Public Hearing closed 1-6-2016 The petitioner, South Shore Hospital, for property located at 55 Fogg Road, also shown on the Weymouth Town Atlas Sheet 45, Block 519, Lot 1, located in the Medical Services District, and the Watershed Protection District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-22.13 A	Gross Floor Area in excess of 20,000 ft.
Special Permit; Table 1	Maximum Height
Special Permit; 120-22.13 B	Required off street parking more than one lot

Presently located on the ~700,000 SF lot is the existing main campus of South Shore Hospital, consisting of multiple buildings. The petitioner is proposing to add two stories to the existing three story Messina Building, a two story connector to the existing Pratt Building and new twin emergency generators adjacent to 62 Columbian Street.

Sitting Members:

- Richard McLeod
- Chuck Golden
- Jonathan Moriarty
- Ed Foley
- Kemal Denizkurt

Appearing before the board was Attorney David Kelly, 45 Braintree Hill Office Park, suite 302, Braintree and Thomas Cameron, VP of Support Services South Shore Hospital, Mike Gallivan and John Canovan.

Ed Foley stated that the applicant did a great job with their presentation. He received a call from a few Town Councilors regarding the PILOT program and stated he supports the towns efforts in working with South Shore Hospital on this.

Kemal Denizkurt stated he also believes the application was very complete and appreciates it.

On January 6, 2016 the Board of Zoning Appeals opened Case #3269 requesting three (3) Special Permits associated with the construction of a vertical addition to the Messina Building

located at 55 Fogg Road and operated by South Shore Hospital. The property is located in the Medical Services District (MSD) and details of the Special Permit requests are as follows:

Gross Floor Area in excess of 20,000 sq ft (**120-22.13 A**)

Height (**Table 1**)

Required off street parking (**120-22.13 B**)

Special Permit Criteria for Approval. The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

1. The specific site is an appropriate location for such a use.
 - a. the property is zoned for this use
 - b. the addition is vertical and therefore does not increase the footprint or permanently alter public access or traffic circulation
2. The use involved will not be detrimental to the established or future character of the neighborhood or Town.
 - a. this area is firmly established as a Medical Services District.
 - b. the 24 new ICU beds will replace older rooms and better serve the health and welfare of the Town
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - a. the nature of the construction will not require significant excavation therefore limiting dust, debris and noise
 - b. the proposed emergency generators will be screened from Columbian Street and the noise from these generators fall within limits set by the Zoning Ordinance.
 - c. the design of the proposed addition is in keeping with the current architectural character of the complex.
4. Adequate and appropriate facilities will be provided for the proper operations of the proposed use.
 - a. the use of the Fogg Parking lot as a staging area for equipment and vehicles will minimize impact to the surrounding area.
 - b. the proposed temporary parking plan and traffic control measures will allow for the continued use of the medical complex during the construction period
 - c. the recent addition of an off-site employee parking lot has reduced the daily trips by 300 per day
5. The public convenience and welfare will be substantially served.
 - a. the new ICU beds and the associated upgrading of patient and visitor amenities will be a benefit to the Town
 - b. traffic patterns during construction will be rerouted and actively managed to maximize safety and reduce public inconvenience

- c. the project will provide construction jobs in addition to the +/- 30 permanent medical services jobs upon completion
- d. the addition of two emergency generators on site will provide an additional layer of safety for patients

Therefore, staff recommends approval of the requested Special Permits with the following conditions.

1. All elements of the Site Construction Logistics Plan will be adhered to minimize the impact of the construction on the area and to ensure the safety of visitors. This will be actively monitored by the Inspector of the Buildings.
2. Driveway off Columbian St. designated for construction deliveries: If this driveway is to be restricted to construction vehicles, the Hospital signs directing motorists to "Emergency" and "Parking" should be temporarily covered; temporary signs should be installed indicating no access except construction vehicles, and directing westbound motorists looking for the Emergency room toward the Fogg Rd. intersection (where they will see the existing Hospital directional sign). Additional directional signs at the ambulance driveway opposite Burton Ter. and at the Fogg Rd. intersection are of questionable need, and if provided, should indicate clear, precise directions.
3. All temporary traffic and safety measures, including temporary pedestrian pathways, will be reviewed and approved by the Traffic Engineer and the Inspector of Buildings prior to commencement of construction.
4. A detailed site plan of all proposed utility changes with rim, invert and slope information is to be provided to the engineering office for review and approval prior to the issuance of a building permit.
5. "Exercising" of the emergency generators will be limited to Thursdays from 5AM to 6AM which is consistent with the schedule for the existing generators on site.

Ed Foley made a motion to approve the Special Permit request with stated conditions and was seconded by Chuck Golden
 VOTED UNANIMOUSLY

Ed received a call today from a councilor about the lights and traffic in this area and Mr. Foley reassured him that the employees will be parking offsite.

Other Business:

Review of Minutes – December 2, 2015, January 6, 2016

Ed Foley made a motion to approve the minutes of December 2, 2015 and was seconded by Jonathan Moriarty
 VOTED UNANIMOUSLY

Ed Foley made a motion to approve the minutes of January 6, 2016 and was seconded by Jonathan Moriarty.
 VOTED UNANIMOUSLY

Upcoming Meetings – February 17, 2016, March 9, 2016, March 30, 2016

Chuck Golden will be out of state on February 17, 2016.

Jonathan Moriarty will be out of the state on March 30, 2016.

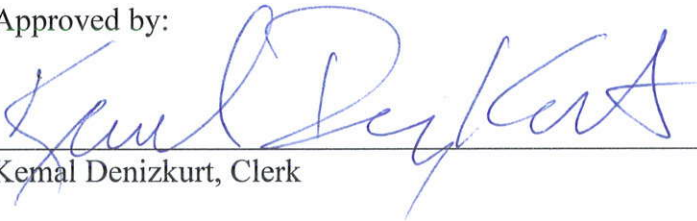
ADJOURNMENT

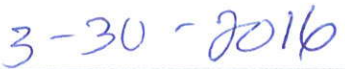
Ed Foley made a motion to adjourn at 7:35 pm and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:


Kemal Denizkurt, Clerk


Date