

**BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, January 6, 2016**

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

**Also Present:** James Clarke, Planning Director  
Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod 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 #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

The applicant, Jennifer Porter, is asking for a continuance on her case as she is having her foundation inspected to see if it is viable. She will be in touch with the Planning Department.

Ed Foley made a motion to continue Case # 3265 to January 27, 2016 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

**Case #3268 – Continued Public Hearing from 12-2-2015** 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 Nguyen, General Manager and Hang Zhang.

New plans were submitted for lighting around the property. There will be about 6-7 poles on the lot and the nighttime lighting will not affect the residence. The dumpster will be on lot #6 where the building is that they are not using. The trash truck will be able to pick up and remove the trash without any difficulty.

The gates on lot #6 will be swinging in and not out and the other gate will be blocked with a white stockade fence. The stockade fence will also go along the back of the property.

Public Comment:

Ed Foley made a motion to close the public hearing on Case #3268 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

Ed Foley made a motion to take Case #3268 under advisement and take up again at the January 27, 2016 meeting and was seconded by Jonathan Moriarty.  
VOTED UNANIMOUSLY

New Business:

**Case #3269** – 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

Ed Foley made a motion to open the public hearing on Case # 3269 and was seconded by Chuck Golden.  
VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3269 and was seconded by Chuck Golden.  
VOTED UNANIMOUSLY

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.

This is for a special permit and no variances are requested. The critical care unit was reviewed and it is 34 years old and needs to be updated. The Messina building was constructed to handle two more floors in the future and now it is needed. TRO reviewed the needs of the critical care unit and has come up with a plan which will be presented this evening.

Volume is significant and there is a need for more hospital beds. Once the critical care is moved to the new location the old location will be used for 24 medical beds.

John Viapiano, TRO JB reviewed the plans with the board. Once the Messina addition is complete they will renovate Pratt 6 with 24 private medical surgical beds. The emergency generator will support the ICU Project. It will sit behind the existing building.

Mike Gallivan with Turner Construction Company reviewed traffic flow with the board. There will be no onsite parking. There is not a lot of excavation and the deliveries will be on smaller trucks. Crosswalks will be established. The valet parking will be shortened up and there is overflow valet across the street.

There was a sound study done on the generator and the ambient reading were 65-70 which is equivalent to traffic. It will not increase more than 10 decibals.

Robert Rodak, South Shore Hospital said the testing runs will be at 5 o'clock on Thursdays. Chairman McLeod asked if there will be a bigger demand for parking due to the expansion and it was stated that the patients are already here and they do not anticipate any increases. The area where the gift shop is will eventually be 50 new parking spaces. There is now an additional 300 off-site parking spaces for the employees which began this week.

Ed Foley asked how many new jobs will be created and it was stated 30 new jobs.

Eric Schneider reviewed comments:

- Traffic concerns were signage during the construction period.
- Department of Public Works/Engineering requested a detailed site plan of the proposed changes be submitted before a building permit is issued.

#### Public Comments:

Barry Katey – Local 12 asked if they are planning on using the South Shore Building trades on this project and it was stated yes.

Sue Eddie, 30 Patridge Road read the application and she believes 90 new jobs were being created. She also asked when was the last time a traffic study was done? And what is the plan for mitigation after the project.

The applicant stated that they do not anticipate additional traffic volume from this construction. Jim Clarke said the last traffic study was done for the Emerson Project and Cancer Center.

Ed Foley reminded them that the State is going to start widening Route 18 this July

Bill Diner, 15 Progress Street, Weymouth thanked the applicant for updating the hospital.

Mike Smart District Six Town Councilor acknowledge the community outreach the hospital did and reviewed and answered all their concerns regarding public safety, patient safety, access, hours of operation, truck and vehicle access, the cottage lot etc. Columbian Square is scheduled for traffic lights once the air base is far enough along so they can fund it. South Shore Hospital has always employed local men and woman since they started. They have set the standards and he supports the project.

Jim Howard, Norfolk Central Labor Council, 224 Forbes Road, Braintree has worked for years with South Shore Hospital and supports it. He hopes anyone else coming to Weymouth follows their example.

Jane Hackett Councilor at Large is in support of the project. She attended the community meetings at the Cancer Center and she is pleased to see this expansion going forward. She has concerns about the PILOT agreement and there are discussion about that ongoing.

Bob Thomas, 848 Washington Street – he believes due to the PILOT program the town is losing \$1 Million a year. He is not opposing this project he read from the current agreement and believes the PILOT rate should be adjusted for this expansion by 25%.

Ed Foley stated that a value cannot be placed on a first class hospital, it has grown and improved over the years. The reality is they are non-profit organization.

Donald Sheehan 145 Bald Eagle Road – Electrical Worker IBEW Local 103, it's a great spot for local employment which include wages and benefits that go back into this community.

Bobby O'Brian, 366 Middle Street, supports this project.

Ed Foley made a motion to close the public hearing on Case # 3269 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to take this case under advisement until the January 27<sup>th</sup> meeting so staff can create a list of conditions and incorporate the public comments and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

**Case #3270** – The petitioner, Foxrock Properties LLC, for property located at 97 Libbey Industrial Parkway and 7 Performance Drive, shown on the Weymouth Town Atlas Sheet 33, Block 432, Lot 2, and Sheet 34, Block 433, Lot 17, located in the Planned Office Park zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Amend BZA Case #3196

Variance; 120-74 I

Special Permit; Table I

Minimum Required Spaces

Maximum Height

Presently located at 97 Libbey Parkway is an existing ~ 101,200 SF building with 321 parking spaces, 7 Performance Drive has 183 parking spaces for use at 97 Libbey Parkway per Variance granted in BZA case #3196, for a total of 504 parking spaces. The petitioner is proposing to separate the 7 Performance Drive parking lot from BZA Case #3196, and construct a 4-story parking garage with 248 parking spaces for a total of 569 spaces on site.

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

**Case #3271** – The petitioner, Foxrock Properties LLC, for property located at 7 Performance Drive, also shown on the Weymouth Town Atlas sheet 34, Block 433, Lot 17, located in the Planned Office Park zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance;	120-74 I	Minimum Required Spaces
Variance;	120-51, Table 1	Front Yard Setback
Special Permit;	120-51, Table 1	Maximum Height

Presently located on the property is a 183-space open parking lot for use at 97 Libbey Parkway. The petitioner is proposing to construct a ~80,000 SF, 5-story office building, and a 6-story, 403 space parking garage.

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

**Case #3272** – The petitioner, Foxrock Properties LLC, for property located at 0 Performance Drive and 90 Libbey Parkway, shown on the Weymouth Town Atlas Sheet 34, Block 433, Lot 16, and Sheet 33, Block 433, Lot 4, located in the Planned Office Park zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Amend BZA Case #3196

Variance;	120-74 I	Minimum Required Spaces
Variance;	120-62	Location on Lot of Structure

Presently 0 Performance Drive is a vacant lot; a ~81,000 SF 2-story building, with 372 parking spaces presently exists at 90 Libbey Parkway. The petitioner seeks to construct a 2-story, 26,000 SF building with 183 new parking spaces at 0 Performance Drive, and retain 349 existing parking spaces at 90 Libbey Parkway, for a total of 532 parking spaces.

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

**Case #3273** – The petitioner, Foxrock Properties LLC, for property located at 200 Libbey Parkway, shown on the Weymouth Town Atlas sheet 34, Block 435, Lot 14, located in the Planned Office Park zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance;	120-74 I	Minimum Required Spaces
Variance;	120-62	Front Yard Landscaping
Special Permit;	120-51, Table 1	Maximum Height

Presently located on the lot is a 2-story building. The petitioner seeks to demolish the existing building and construct a new 120,000 SF 4-story building, a new 6-story, 558 space parking garage, with an additional 60 parking spaces at grade.

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

Jonathan Moriarty made a motion to open the public hearing on Case # 3270, 3271, 3272,3273 all related to FoxRock Properties and was seconded by Jonathan Moriarty.  
VOTED UNANIMOUSLY

Jonathan Moriarty made a motion to waive the reading of the publication on Case # 3270, 3271, 3272, 3273 and was seconded by Jonathan Moriarty.  
VOTED UNANIMOUSLY

Appearing before the Board was David A. Kelly, Attorney at Law, 45 Braintree Hill Office Park, Suite 302, Braintree, Jason Ward, Bill McGrath, Nancy Doherty and Richard Alfonso from TETRA TECH.

Attorney David Kelly said he has discussed the process at length with the staff. This will be two-step process. The special permit requested this evening is for four properties for use and density. Second step will be for drainage, landscaping, building materials, construction management plans and architectural type plans.

The purpose is to attract high end medical users. The permits allowing the parking variance and the size and density variances allows them to attract a tenant.

The traffic testimony will be for all four applications. They will review each application on the site case individually and then go to traffic regarding all four applications.

Chairman MacLeod said you would need tenants before the permits expire which is one year.

Jason Ward, FoxRock Properties, 100 Newport Avenue, Quincy, Ma. stated that attracting tenants is about timing and feasibility. They need some certainty about what they can deliver.

There are no specific projects this evening, they are looking for a marketing plan. They have identified a leasing team to promote the project.

Ed asked who their current tenants are and it was stated South Shore Hospital, Atrius Medical, South Shore Sports Therapy, Harbor Medical, Eye Health Services etc. South Shore Hospital leases approximately 10,000 square feet from them.

Case # 3270 is 97 Libbey Street is a modification to Case # 3196 and is linked to Case # 3271. It is to separate the 7 Performance lot from the permit and allow a parking garage to accommodate the parking. The proposal is for 507 spaces. It is a 4 story parking garage.

Case #3272 is 0 Performance Drive & 90 Libbey Parkway is a new addition of 26,000 square feet. The request is for a parking variance.

Case #3273 is 200 Libbey Parkway and the request is to demolish this building and build a new medical building. The variance is for parking.

Rick Alfonso reviewed the site plans with the board. Phase I: There will be two driveways proposed and a drop off in front of the building. There are some wetlands behind the building.

Once we lose the parking for 97 Libbey they are proposing the parking garage to address the parking issues to be 5 spaces per 1,000. The existing pavement will be pulled in and away from Whitman's Pond and they will be restoring the area. It will in compliance with today's Storm Water Standards.

Nancy Doherty, Tetra Tech did a power point presentation on the traffic study for Phase I, II and III.

There were 7 intersections that the traffic study was done on. Lights will be installed at both ends of Libbey Parkway.

Phase I – Performance and Libbey, they anticipate 60 new trips during the peak hours in the morning and afternoon.

Phase II – 7 Performance Drive and Libbey, 150 trips in, 40 trips out in morning peak hours. 70 trips in and 170 trips out during afternoon peak hours. Mitigation would be Transportation Demand Management Plan, Environmental, Traffic Monitoring Plan.

Phase III – 200 Libbey Parkway – 220 trips in 60 trips out in the morning peak hours and 95 trips in and 240 trips out in the afternoon peak hours.

Bill McGrath – BETA Group, Lincoln RI – He has been working with the town for years. Mass DOT is working with the town on this. By the end of January 75% should be submitted. The project includes new traffic signals, left turn lane into Libbey and Right turn lane coming out of Libbey Parkway.



Kemal Denizkurt asked what happens if phase III happens first. How does that impact the mitigation on the traffic as presented this evening. Nancy stated that everything can be done if phase III happens first.

On the Pleasant Street side a traffic signal will be installed and the southbound lane will become two lanes.

Kemal Denizkurt asked if there will be any sidewalks or walkways in between the buildings? The applicant said that would be part of Step 2 of the process.

Eric Schneider reviewed staff comments with the board. He met with all the departments prior and most of their comments were already addressed. The town's traffic engineer, Owen MacDonald, agrees with their proposal and is satisfied with their methodology.

Jonathan Moriarty asked when a traffic study was done on Rockway Avenue. Jim Clarke will look that up and make sure the traffic engineer reviews this to address Mr. Moriarty's concerns.

Public comment:

Patrick O'Connor, Town Council President – Is any of this land going to be non-profit tax exempt and it was stated no it will be taxable land for the town of Weymouth. Tomorrow Councilor O'Connor, Michael Smart, Jane Hackett, Ed Harrington, Michael Molisse, TJ Lacey, Beckey Haugh and Arthur Mathews will be sending a letter to the new mayor asking for a community project agreement to make sure the REO will be enforced for this project. He is in full support of this project as long as they get local shops to hire local workers which will trigger down to help with the local community.

Mike Smart, Vice President Town Council said the expectation and level of community involvement with the local trades will be followed.

Ed Harrington, District 5 Town Councilor said it is critical that the signals go in at both ends of Libbey Parkway. He is looking forward to working with the town.

Jane Hackett, Councilor at large said she is very pleased with this project and is concerned about the lights at both ends of Libbey.

Arthur Mathews – District 4 Town Councilor said this is the type of commercial development we want for Weymouth. The traffic issues at both end of Libbey are very concerning and it is important to get traffic signals. He is also in support of the letter going to the Mayor.

The applicant stated that he does not disagree with anything he heard tonight and that he wants livable wages for everyone working on the project. He looks forward to seeing the letter from Town Council and will find a way to make sure everybody is excited to moving forward.

Mark Burns, 267 Washington Street, Quincy, it is encouraging to see the councilors asking the mayor for support with the community benefits agreement letter.

Wayne Mathews – very pleased with the project. Please consider Seach School for the pick-up and drop off times for the traffic study. Any consideration for direct assess from Route 3?

Sandra Williams 61 Heritage Lane stated that this was a nice presentation and thanked the Councilors for the Community Benefits Agreement. This is a very positive south shore activity.

Bill 15 Progress Street, he agrees with the connection to Route 3.

Mike Smart stated that at Middle and Route 18 there is no left arrow, please have mass DOT incorporate it.

Would like the proposal to go forward using area standard contractors. The building trades here are all trained (local 103).

John Herd, 30 Madison Street Weymouth, he is in the building trade. The high end tenants would be happy to do business with him if he uses unions.

Ed Foley made a motion to continue to February 17, 2016 at 7:00 pm at this location and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

**Case #3274** – The petitioner, Steven Trudeau, for property located at 49 Fort Point Road, shown on the Weymouth Town Atlas sheet 2, block 9, Lot 3, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-38.3 D Substantial Renovation Within the Floodplain

Presently located on the ~3956 SF lot within the floodplain, is a ~1208 SF single family dwelling. The petitioner seeks to renovate the interior of the existing dwelling.

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

Ed Foley made a motion to open the public hearing on Case # 3274 and was seconded by Jonathan Moriarty

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3274 and was seconded by Jonathan Moriarty

VOTED UNANIMOUSLY

Donald Trudeau and his son Steve of 15 Curtis Circle, lived and grew up in Weymouth all his life. The family is grown up and they would like to downsize. The house needs updating and found out the work is a lot more than originally anticipated. There was mold and water damage. State law requires that if you exceed 50 % of the cost of the structure that you need approval of BZA.

The house is assessed at \$116K and they expect renovations to run up to \$150K.

Jim Clarke said that even though it is in a flood plain the floor is above the flood level.

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

Ed Foley made a motion to close the public hearing on Case # 3274 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve Case # 3274

Ed Foley made a motion to approve this application for a special permit under Section 128.38.3D because the cost of the renovations is going to exceed 50% of the assessed value of the structure.

**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. **It is an existing facility.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **He is going to eliminate a mold problem.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **All his work will be inside.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Conservation said no formal filing is required even though it is in the flood plain zone as the work will be inside.**
5. That the public convenience and welfare will be substantially served with the proposal. **He is cleaning up a serious health issue.**

This motion was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

**Other Business:**

**Review of Minutes** – November 4, 2015 and December 2, 2015

Ed Foley made a motion to approve the minutes of November 4, 2015 and December 2, 2015 and was seconded by Chuck Golden.  
VOTED UNANIMOUSLY

Jim Clarke stated that there is a minor modification request for 186 Main Street, when they did the inspection they were short per plan by 2 but they meet the zoning. There was a utility cabinet placed there and Planning does not have any problem with it.

Ed Foley made a motion to approve a modification to Castle Storage, 186 Main Street and was seconded by Jonathan Moriarty.  
VOTED UNANIMOUSLY

A copy of the conflict of interest Law was distributed to all members for their signature.

**Upcoming Meetings** – January 27, 2016, February 17, 2016, March 9, 2016

**ADJOURNMENT**

Ed Foley made a motion to adjourn at 9:50 pm and was seconded by Jonathan Moriarty.  
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin  
Recording Secretary

Approved by:

  
\_\_\_\_\_  
Kemal Denizkurt, Clerk

  
\_\_\_\_\_  
Date