

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, October 18, 2017

Members Present: Kemal Denizkurt
Jonathan Moriarty
Ed Foley
Brandon Diem

Not Present: Richard McLeod, Chairman

Also Present: Eric Schneider, Principal Planner
Janet Murray, Recording Secretary

Mr. Foley 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:

Case #3336-Amended - Continued from 9/27/2017. The petitioner, Danny Morris, Extra Space Storage, for property located at **1256 Washington Street**, also shown on the Weymouth Town Atlas sheet 35, block 407, lot 33, located in an B-1 and R-3 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance: 120-64.3(A) Square footage of signage

Presently located on the lot is a three-story, ~30,300 SF self-storage facility. The petitioner seeks to construct two (2) three-story additions on the north side and southwest corner of the building, totaling ~22,300 SF of additional area to the existing building.

Mr. Moriarty made a motion to CONTINUE the request for a VARIANCE for Case #3336 until November 8, 2017. The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

New Business:

Case #3342 - Public Hearing not opened on 9/27/17 - continued to 10/18/17 per applicant request. The petitioner, Stephen Goldman, for property located at **75 Finnell Drive**, also shown on the Weymouth Town Atlas sheet 36, block 452, lot 5 & 12, located in an I-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance.

Special Permit: 120-29(E) Place of recreation or assembly in I-1 District
 120-39 Continuation of non-conforming use
 120-40 Extension or change of non-conforming use

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Variance: 120-51 Table 1 - Schedule of District Regulations
 120-74R Parking (Unlisted Use)

Presently located on lot 5 (~249,511 SF) and lot (~200,700 SF) is Weymouth Club, a multi-use health, fitness, and recreational facility. The petitioner seeks to increase parking in the south parking lot by expanding the paving behind enclosed pool, construct a studio next to enclosed pool, increase size of outside pool, remove ledge and re-landscape to the rear of the outside pool, construct a handicap entrance and vestibule between enclosed and outside pool areas and various interior renovations.

Mr. Moriarty made a motion to open the public hearing on Case #3342 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

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

Mr. Denizkurt disclosed that his wife is a member of the Weymouth Club and that his family has been members in the past. He stated that he is confident that he can be impartial in making a decision on this matter. There were no objections by board members, nor by the applicant.

Mr. Foley informed the applicant that there will be only four (4) members sitting on the board this evening. The applicant needs all four (4) votes for approval and has the right to request a continuance. The applicant chose to go forward with four (4) members.

Attorney Gregory Galvin, 775 Pleasant Street, Weymouth, appeared before the board on behalf of the applicant, Stephen Goldman, owner of the Weymouth Club. Mr. Goldman was also in attendance.

Mr. Galvin gave an overview of the plans detailing the changes that the applicant is seeking. He noted that the work to be done is to the right and rear of the main building. There was a buffer zone, but the natural vegetation has been removed and the parking lot extended. This area is used by parents and children.

Mr. Galvin noted that the dumpster has been moved to the left-hand side of the main building. Parking spaces will be added in the spot where the dumpster was located.

On the existing outdoor pool with bubble, the deck will be removed, and the pool extended to add a swim lane. A new studio, office space, and bathrooms will be constructed.

The applicant has spoken with the neighbors.

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Mr. Galvin noted that the applicant had initially planned to seek permission to remove ledge but has since decided not to do this.

Mr. Schneider stated that there is a memo from the town's engineering department regarding a lack of drainage. A plan was submitted showing that the drainage did exist. He noted that there are no outstanding issues from town departments. Mr. Foley stated that the memos should be submitted for the record.

Mr. Schneider asked Mr. Galvin to review where the lights are located.

There was discussion regarding the lighting that shines into abutting residential properties.

Mr. Kenneth Beachis, 46 Waterford Drive, an abutter of the Weymouth Club property, stated that he has had discussions with Mr. Goldman. He stated that he suggested to Mr. Goldman that every light that faces his property be shielded to direct the lighting towards the Weymouth Club.

Mr. Galvin stated that Mr. Goldman would put shields on the light and continue to work with Mr. Beachis. Mr. Galvin noted that they have not received any comments or complaints from any of the other abutters.

Mr. Foley asked for the size of the pool. It is 106 feet by 84.2 feet.

Mr. Moriarty made a motion to admit into the record the following documents:

Exhibit 1	9/20/17	email from Mr. Beachis with photographs.
Exhibit 2	9/26/17	email from Mr. Beachis with 2 black & white photos
Exhibit 3	9/26/17	email from Mr. Beachis with 2 color photos.

The motion was seconded by Mr. Denizkurt and UNANIMOUSLY VOTED.

Mr. Denizkurt noted that 13 parking spaces have been added. He also noted that the applicant has worked with the neighbors.

Mr. Diem asked if there is a reduction in permeable surface.

Mr. Galvin stated that there is a reduction in the back. He noted that there is a drain there also.

Mr. Foley asked about the dumpster. Mr. Goldman stated that it is picked up twice per week. The time of pick-up will not be changed.

Mr. Galvin noted that there will actually be 15 additional spaces.

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Mr. Foley asked Mr. Galvin to speak to the variances requested.

Mr. Galvin stated the applicant is in the Industrial I1 zone by special permit. All of the activities on the premises require a special permit under 120-29(e).

Mr. Galvin stated that the applicant is not seeking a variance.

Mr. Foley noted that the site required 297 parking spaces and there were only 291 spaces. With the proposed 304 spaces, the parking meets the requirement.

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

Mr. Beachis spoke again, reiterating his concern about lighting. He requested that the lights left on inside the building during non-business hours be put on timers so as not to shed light into the abutting properties. He also requested that the tall lights and cobra lights be shielded.

Mr. Goldman stated that lights can be put on timers. The lights in the rear can be turned off. The ones in the front are typically left on for safety.

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

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3342.

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, 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.

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With the following conditions: 1) the lights in the rear of the building will be shielded and the lighting issue will be addressed in the first stages of the plan are issued and 2) there will be no ledge removed. The motion was seconded by Mr. Denizkurt.
UNANIMOUSLY VOTED.

Case #3343 - The Petitioner, Greg Correia for property located at **138 Fort Point Road**, also shown on the Weymouth Town Atlas sheet 2, block 6, lot 33, located in an R-1 Zoning District seeks relief from the Board of Zoning Appeals to adjust a lot line and to raise their existing home on the property above the flood plain through a Federal Hazard Mitigation Grant. The following is requested:

Special Permit:	120-40	Extension or change to a Nonconforming lot
	120-38.5	Flood Plain Construction Criteria

Mr. Moriarty made a motion to open the public hearing on Case #3343 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

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

Mr. Foley informed the applicant that there will be only four (4) members sitting on the board this evening. The applicant needs all four (4) votes for approval and has the right to request a continuance. The applicant chose to go forward with four (4) members.

Mr. Schneider stated that this application was originally filed for both the lot line change and the flood plain construction criteria.

There are five (5) residents, including the applicant, who will come before the board at a later date to request the flood plain construction criteria. These five (5) residents are seeking funding through a grant. The reviewing authority at FEMA noted the lot line discrepancy and informed the applicant that this needed to be rectified.

The request for the flood plain special permit is being withdrawn from this case. Only the lot line change is being requested.

Mr. Schneider stated that the lot line discrepancy has been resolved by the applicant and the abutting neighbor. Legal documents have been signed, submitted, and registered.

This request will formalize the lot line plan, but it will make one lot more non-conforming, and the other lot less non-conforming.

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This request will do no harm to the future application for the flood plain construction criteria.

Ms. Dinara Konusevska Correia appeared before the board. She stated that her husband Greg was stuck in traffic.

Ms. Correia noted that this lot line discrepancy was discovered in 2008. The previous owner informed her that there had been an agreement in place with the abutting property.

Ms. Correia and the abutter each hired an attorney and recorded the agreement. The following documents are submitted as follows:

Exhibit A is the plot plan
Exhibit B is the Boundary Line Agreement
Exhibit C is the record from the registry of deeds

Mr. Denizkurt questioned whether the defining marker, a fence, is adequate to delineate the lot line.

Mr. Schneider stated that the last step of this process is the submittal of an ANR plan which will have the meets and bounds of the lot lines.

Mr. Foley referenced a letter from an abutter at 131 Fort Point Road who has an easement

Mr. Schneider stated that this letter references the flood plain construction and will be addressed when the flood plain construction criteria request is before the board.

Mr. Schneider stated that that this application does not give the applicant a permit to raise the house. It will only adjust the lot lines.

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

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

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3343.

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.

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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. Moriarty noted that this application will codify an existing agreement.

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

Other Business:

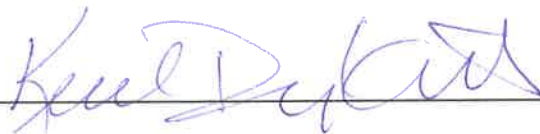
Minutes: 9/6/2017

Mr. Moriarty made a motion to accept the minutes of 9/6/2017 and was seconded by Mr. Denizkurt and was unanimously voted.

Upcoming Meetings - November 8, 2017, November 29, 2017, December 13, 2017
Adjournment

Mr. Denizkurt made a motion to adjourn at 8:05pm and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by:
Mr. Denizkurt, Clerk



11/29/17
October 18, 2017