

**BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, October 7, 2015**

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.

New Business:

Case # 3262– The petitioner, Stephen Zeboski for property located at 15 Filomena Street, also shown on the Weymouth Town Atlas Sheet 22, Block 249, Lot 26, located in a B-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Article XIII Section 120-40 Extension or change of an existing non-conforming use or structure

Presesntly located on the premises is an existing ~897 SF single-family dwelling on a 3,349 SF lot. The petitioner is proposing to demolish the existing structure and construct a new ~672 SF single-family 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 #3262, 15 Filomena Street and was seconded by Kemal Denizkurt.
VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the legal notice on Case # 3262 and was seconded by Kemal Denizkurt.
VOTED UNANIMOUSLY

Appearing before the board was Attorney Greg Galvin, 775 Pleasant Street and the applicant Steven Zeboski.

Attorney Greg Galvin stated that the applicant proposed to demolish the existing building and construct a new two story single family dwelling at 672 sq ft. All side yard setbacks will increase in size. Currently there is no driveway and it is his intention to put a two car driveway on the right side of the lot. This will allow the vehicles to get off the street and make it safer.

The DPW has suggested the applicant make upgrades to the Water & Sewer facilities that service this location. The applicant has spoken to all the abutters and there was only one concern with Mr. Alemian about the timing of the demolition. There is concerns that there are squirrels and other wild animals in this building and Mr. Alemian has requested that he engage a wildlife expert that would trap and release any animals. He is also requesting a privacy fence or low stone retaining wall and the applicant has agreed to this request.

Attorney Greg Galvin submitted a signed petition in support of the project marked as Exhibit #1.

This location is in a B-2 Zone and there are no set back minimums.

Ed Foley asked if all taxes will be paid up and it was stated yes by Mr. Zeboski.

Public Comment:

Mr. Alan Alemian, 694 Broad Street (owner) stated he met with the owner and discussed a privacy fence (submitted to the board as Exhibit #2).

Ed Foley asked Mr. Zeboski what the hours of construction will be and it was stated 7am to 7pm per the building department.

Chuck Golden asked if the two parking spaces would block the front steps of the house and it was stated no there will be enough space for the two cars to fit.

Kemal Denizkurt asked if he will be removing the trees in front of the house and it was stated yes both trees will be removed.

Wayne Matthews, president of the East Weymouth Neighborhood Association asked if the applicant spoke to the business across the street. Attorney Galvin stated that they received notice of this meeting and they would be here if they had any questions. Mr. Matthews would like to make sure there has been a dialogue between the two so there is no surprise to them.

Ed Foley made a motion to close the public hearing on Case#3262, 15 Filomena Ave and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve the Special Permit on Case #3262 and stated it has met all the criteria for Section 120-122D.

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. **The current building is a single family home and unsightly.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **Removing an unsightly building and putting up a smaller one.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **Building Department will take care of this when they issue the permit.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **There will be additional parking on site with off street parking**
5. That the public convenience and welfare will be substantially served with the proposal. **There is a tax bill of \$55,801.82 dating back to 2007 will be paid up.**

Conditions:

- Incorporate the letter from Mr. Zeboski to Mr. Alemian regarding 6 ft privacy fence
- Exterminator will trap the squirrels, raccoons etc. and release into the wild.
- Small retaining wall and the stockade fence will be along the inside of Mr. Zeboski's property line.
- There will be 2 off street parking spaces provided.

Kemal Denizkurt seconded.

VOTED UNANIMOUSLY

Case # 3263 – The petitioner, Edward Corkren, for property located at 289 Lake Street, also shown on the Weymouth Town Atlas Sheet 26, Block 295, Lot 25, located in an R-3 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance: Table 1 Minimum Lot Area Requirement

Presently located on the premises is a single-family residential dwelling on a ~36,300 SF lot. The petitioner is proposing to retain the existing dwelling and construct four (4) duplex townhouses.

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

Ed Foley made a motion to open the public hearing on Case #3263, 289 Lake Street and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the legal notice on Case # 3263, 289 Lake Street and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the Board was Edward Corkren, owner. He would like to keep the single family home that is onsite. There will be 4 duplexes. His family will keep the original house and 1 of the 2 unit duplexes in the family.

Ed Foley stated that he would not even need to come before the BZA if they kept the 2 4-unit duplex as their right and asked if he has spoke to the Planning Dept and it was stated, yes. The aesthetics of the 4-units are more pleasing to the neighborhood and young families.

These condominiums will be sold except for the one complex the family will keep.

There will be more impervious surface and a catch basin and a drainage system will be under the parking lot. Initially the dumpster was going to be in the front but has since been moved to the back and eliminated 1 parking space.

Fire Department access is not sufficient per a memo from Chief Keith Stark. The applicant stated he was told that an automatic sprinkler system would be ok if installed in all the units.

Ed Foley asked what his hardship would be to go forward with the 2 buildings instead of 4 units. The applicant stated that the hardship is that the family would like to keep 1 of the two unit duplex in the family along with the main house. He also believes this is more aesthetically pleasing to the neighborhood and families for resale purposes. He has been working on this project for 8 years. Mr. Foley strongly encourages talking with the abutters.

Chairman McLeod is struggling with the hardship piece. The applicant said the family would like to be able to keep the family home and own one of the duplex buildings. He doesn't want it to look like the Patriots Village Complexes. Four duplexes is better than 2.

Eric Schneider said the applicant has the proper Zoning and FAR requirements but reading further into the ordinance once you go two units per building it is restricted on square footage. If he is building the 2 unit duplexes he needs 15,000 square feet per duplex. He can get the same number of units by right and it really is just the number of buildings. There will still be 8 units. 1-2 units is 15,000 sq feet and 3 or more buildings is based on FAR .25 which he meets.

If he can do this as a matter of right he increases the density. No matter what the board decides the applicant will still get 8 units.

Kemal Denizkurt asked if they intend to keep the single family home and it was stated yes, it will be unit number 9 and be part of the complex. Mr. Denizkurt would like to know what type of

material will be used and it was stated they will be modular units. Landscaping plan also needs to be submitted for a project of this size.

Public Comment:

Abanna Cabosa, 295 Lake Street- she is a neighbor and is opposed to this project. They purchased their home because of the privacy around their home and the new decks will be only 13 feet away from their fence and the privacy will be gone. There will be no more quiet backyard for them. All second floor windows face her back yard. She has been fighting about the fence for the last 3 years. Mr. Corcoran has already started clearing trees without surveying the property. The neighborhood is populated enough and they need the space. She submitted a written letter that she read into the record and 6 pictures all labeled as Exhibit #1-6.

The applicant stated he has had the land surveyed.

Chairman McLeod reminded the public that if this application is denied he can then build 2, four unit buildings. Eric Schneider stated if the applicant decides to go with that plan it would fall under Site Plan Review with the Planning Department. He believes this plan of 4, 2unit buildings is a better plan than 2, 4 unit buildings.

Chad Gould, 275 Lake Street, Chairman of Patriot Village – the density is a great concern to them. The people at Patriot Village can sit on their decks and enjoy the view of the woods, trees and if they build this they will lose it. The applicant said that the majority of the trees abutting the fence will remain there. Mr. Gould feels the noise will be a problem to the residents of the Village.

The applicant said if he sells the house another owner would tear down his single family home and create a large complex and his plan is much smaller and more pleasing to the neighbors. His property is zoned R3.

Chairman McLeod suggested a neighborhood meeting organized by Councilor DiFazio and Councilor Matthews to help alleviate some of their concerns. This plan does not demonstrate a hardship and he likes this plan better.

Mr. Matthews asked about the zoning ordinance for a subdivision of plots land it was stated that does not apply as this is Zoned R3.

Mr. Corkren agreed to meet with the abutters and have this public hearing continued.

Mark Devoy, 23 Prince Street – feels that this would be an extension of Lake Street. The design has the windows overlooking his yard. He would like to see Ed do something with his land but the back yards are solitude and he thinks it's a great idea getting together.

Kofman, Dea, 301 Lake Street – concerned if the next meeting the applicant can have some complete plans especially for run off on the parking lot. The applicant has provided a detailed plan for this already and will share it with the neighbors.

Ken DiFazio asked if anyone is interested in attending this meeting to please leave their names and addresses with him for notification.

Ed Foley made a motion to continued this public hearing to November 4, 2015 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

Other Business:

Discussion of Complete Streets Program

Review of Minutes –September 2, 2015, September 23, 2015

Chuck requested to amend the minutes of September 2 on Case #3258 to change the word “building” to “business”.

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

Ed Foley made a motion to approve the minutes of September 23, 2015 as written and was seconded by Jonathan Moriarty
VOTED UNANIMOUSLY

Upcoming Meetings – November 4, 2015, December 2, 2015


ADJOURNMENT

Chuck Golden made a motion to adjourn at 8:40 pm and was seconded by Jonathan Moriarty.
Voted unanimously

Respectfully submitted by,
Lee Hultin
Recording Secretary

Approved by:


Kemal Denizkurt, Clerk


Date