

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS

Wednesday, February 15, 2017

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Ed Foley
Chuck Golden
Brandon Diem, alternate member

Also Present: Bob Luongo, Director of Planning
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:

Sitting Members: Edward Foley, Acting Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brandon Diem

Case #3311 - Continued from 11/30/16, 1/4/17 - the petitioner, Metro Sign & Awning for property located at **35 Pleasant Street** also shown on the Weymouth Town Atlas sheet 49, block 558, lot 1, located in a B-1 zoning district.

Special Permit: 120-64.3(A) Signs in business area

Presently located on the lot is a retail shopping plaza with the main entrance at Rt. 18/Main Street. The petitioner representing Whole Foods Market, seeks to add a 19.5" x 1.3" lighted sign along the top of the wall on the left side of the building occupied by Whole Food Market.

Mr. Moriarty made a motion to re-open the public hearing on Case #3311 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

William Mohan, representing Whole Foods, and Mary Beth Fletcher, manager of Whole Foods Market, appeared before the board to request a sign variance.

Mr. Mohan submitted a letter explaining the need for the variance and how this site meets the four (4) requirements for variance. The letter also included a petition and pictures of the site.

Mr. Mohan stated that this is a unique location. It is an awkward shaped plaza. Even with the approved signage, visibility is still challenging. Motorists traveling on

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Pleasant Street or Route 18, in both directions, are not able to easily see the sign on the front of the building or the free-standing signs. The sign on the front of the building is blocked by residences, businesses, trees, and other standing street signs. This presents a traffic concern for drivers who may be distracted trying to locate stores.

Many drivers do not know that there is a Whole Foods Market at this location as they are driving by. Whole Food has many large, children events. Many see activities happening and come in and say that they did not know that the store was there.

The sign will be on the exterior wall facing Pleasant Street. It will be 39 square feet. The letter size will be 1 ½ feet high for the words "Whole Foods" and 9 inches high for the word "market".

Mr. Mohan discussed lumens which rates the brightness of the bulb from 70 to 300. All lights would be LED and be rated at 70 lumens. He noted that there are 16 lumens per watt so a 100-watt bulb has 1600 lumens. This sign would have 7840 lumens which is the equivalent to four (4) 100 watt bulbs. The light will not extend beyond the roof or wall line.

The lights would use the halo affect with light in the front and the back. This light is softer and less glaring. When shown to area residents, there was no objection. The sign would be 39 square feet on a 3200-square foot wall.

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

Mr. Primiano stated that this is a simple concession to make as it is a very small sign and it sends a signal that Weymouth encourages businesses to come to town.

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 VARIANCE for Case #3311 because the applicant has shown a hardship. The site is set back 80 feet from the street which affects visibility as does the unique shape and location of the mall. The Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Case #3313 - Continued from 11/30, 1/4/17, 1/25/17 - The petitioner, Sandra Martel, for property located at **90 Main Street** also shown on the Weymouth Town Atlas sheet 29, block 329, lot 22, located in a B-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinances:

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120-64.3(B)(3) Height not to exceed 25'
120-39 Continuation of non-conforming use

Presently located on the property is a McDonald's restaurant with a ~21.5 feet high free-standing sign located ~14.6 feet from the street. The abutting shopping plaza has relocated their sign, blocking the applicant's sign for north bound motorists. The applicant seeks to extend their existing sign to ~40 feet and above the neighboring sign.

Sitting Members: Edward Foley, Acting Chairman
 Kemal Denizkurt
 Chuck Golden
 Jonathan Moriarty
 Brandon Diem

Mr. Moriarty made a motion to re-open the public hearing on Case #3311 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Attorney Gregory Galvin appeared before the board on behalf of McDonald's USA LLC. Mr. Galvin reviewed the case and introduced Jeff Brewster, the owner of the franchise.

Mr. Galvin stated that the Board of Zoning Appeals approved the placement of the RK Mall sign in its current location in 2013 which blocks the McDonald's sign from view of the northbound traffic on Route 18.

He noted that abutters were properly notified of the plan to place the sign within the National Grid easement over the property. However, the sign placement was changed during the course of the public hearing because National Grid refused to allow the placement of the sign in the easement.

The applicant is requesting that the existing McDonald's sign be raised to 40 feet in order for the sign to be visible over the RK Mall sign. As eating at McDonald's tends to be an impulse, signage is key to drawing in customers. Many alternative placements have been reviewed but none have been feasible.

Prior to the construction of the RK Mall sign in its current location, the McDonald's sign was visible as far back as Cabot House Furniture which is before the Winter Street intersection.

Mr. Galvin acknowledged that the request for a 40-foot sign is not something that the town typically approves.

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Mr. Galvin stated that obtaining an easement over Route 18 would be time-consuming and even with a state variance the sign would still be partially blocked.

Mr. Galvin stated that McDonald's will continue to suffer because of the approval of the RK Mall sign. The RK Mall's placement of the sign is what has created the hardship.

Mr. Galvin stated that the directional sign will remain on the sign but will not be raised above the RK Mall sign.

Kemal Denizkurt asked if RK was willing to allow McDonald's to use their sign. Mr. Galvin stated that Sandra Martel of McDonald's had spoken to RK Mall. RK Mall claims to only have enough space for their own tenants.

Mr. Moriarty asked how long it has been since the RK Mall sign was erected. Mr. Galvin stated that it has been approximately two (2) years. Mr. Moriarty asked if there has been a hardship due to revenue loss. Mr. Galvin stated that Mr. Brewster has owned the franchise only for the past six months. Mr. Brewster stated that he has had complaints about the visibility of the sign and has lost business as a result.

Mr. Moriarty asked if there is a sign on Route 3 to which Mr. Brewster replied there is.

Mr. Moriarty asked about the rooftop option. Mr. Galvin stated that this gets into structural problems and it creates several other issues. In addition, he noted that the building sits back from Route 18 so that you still wouldn't see it from Winter Street. He does not believe that putting a sign on top of the roof of the building will do anything to improve the line of sight. The location is set back almost 200 feet from the street and located behind the driveway. This creates a potentially unsafe situation of drivers realizing at the last minute that they want to turn.

Mr. Moriarty asked if there had been any accidents at the location because a motorist had missed the turn. Mr. Galvin stated that he did not have accident data.

Mr. Moriarty asked about the discussions with RK Mall and if there is anything in writing. Ms. Martel stated that all of the conversations have been via phone calls. She stated that RK Mall stated that they did not have room on the sign.

Mr. Moriarty stated that he would have considered making changes to the existing RK Mall sign to include McDonald's rather than having a 40-foot sign.

Mr. Galvin stated that he had conversations with RK MALL at the beginning of the process and there was no interest in adding McDonald's to the sign.

Mr. Galvin stated that he represented RK Mall when they applied for the sign variance which has resulted in the current situation. He called RK Mall to see if there was

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anything that they could do to alleviate the situation. He noted that he informed RK Mall of his intention to represent McDonald's to which RK Mall did not object but that they were not able to help with the signage.

Mr. Moriarty asked why McDonald's was not present at the public hearing for the placement of the RK Mall sign.

Mr. Galvin stated that the notice that went out to abutters showed a placement that did not block the McDonald's sign. The sign was going to be under the National Grid easement. McDonald's never saw "plan B".

Ms. Martel noted that McDonald's was not asked to provide any revenue numbers so that is why they are not able to answer that question.

Mr. Moriarty stated that he is trying to quantify the hardship. He questioned if there has been any recognizable revenue loss in the past two (2) years since the sign went up.

Ms. Martel stated that she cannot demonstrate that loss this evening but she does have the ability to show the loss.

Mr. Foley stated that unless there is significant financial hardship, he is not in favor of approving the variance.

Mr. Galvin stated that this hardship was created, unintentionally by this board.

Mr. Foley stated that McDonald's was given notice. Mr. Galvin stated that they were not given notice of this particular location of the sign.

Mr. Luongo stated that it is incumbent upon the abutter, when they are legally notified, if they want to protect their interests, to show up at the public hearings. He noted that McDonald's did not attend the first public hearing. Had they attended, they would have been aware of the change in the location of the sign. He stated that to put the blame on the Board of Appeals is unfair.

Mr. Galvin stated that it is fair, because the application showed the sign placement to be under the easement. The abutters never saw the change because it was not disseminated to any abutter. McDonald's saw that the sign was not blocking theirs so they had every right to expect that their sign would not be blocked.

Mr. Luongo noted that cars do not travel at high rates of speed due to installation of the set of lights at the mall entrance. He stated that he believes that putting a roof sign on the McDonald's building would be an option to consider, although he did note that a variance would be required for this roof sign as the town does not allow them but this would be a better option than a 40-foot sign.

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Mr. Galvin stated that a roof sign would be at least as high as the sign requested because the building is 30 feet high. He noted that you still won't see it until you are past the Winter Street.

Mr. Luongo stated that because of the easement, a sign on the building would not be blocked.

Mr. Luongo stated that he is concerned that if this is approved, the sign would be in perpetuity.

Ms. Martel stated that if McDonald leaves the location, the sign would be taken down as part of their de-arching process.

Mr. Golden questioned the size of the sign. The arch portion of the sign is 5 ½ feet and the red part is 8 ½ feet.

Mr. Kucich stated that when you are driving, you are looking forward, not to the right. He stated that you would be past the storage facility before seeing the McDonald's sign. He also noted that it is financially prohibitive to put up a building sign.

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

Mr. Leonard Arabia, an architectural engineer, suggested that a sign be placed on the side of the road before the site that notes that McDonald's is at the next set of lights.

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

Mr. Foley made a motion to take under advisement the request for a VARIANCE for Case #3311 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Case #3316 - Continued from 1/4/17, hearing not opened -The petitioner, Patrick Flaherty, for property located at 4 Mutton Lane, also shown on the Weymouth Town Atlas sheet 35, block 444, lot 12, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Board:

Lot A

Variance:	Table 1	Lot Size (9,686 sq ft)
Variance:	Table 1	120' at the front and rear building line
Variance:	120-48	120-48 Subdivision creating a new nonconforming lot
Variance:	120-59.1	Measurement across lots

Lot B

Variance:	Table 1	Lot Size (17,026 sq ft)
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Variance: 120-56(c) Frontage less than 40'
Variance: Table 1 120' at the front and rear building line
Variance: 120-59.1 Measurement across lots

Lot C

Variance: 120-56(c) Frontage less than 40'
Variance: 120-53.1 Percent Upland (50%)
Variance: 120-59.1 Measurement across lots

Presently located at 4 Mutton Lane is ~101,389 SF lot with an existing single family dwelling built in 1768. The petitioner seeks to preserve the historic home by subdividing the property creating two (2) additional buildable lots. With the requested relief, the applicant intends to demolish the existing house and subdivide the property to create one (1) additional buildable lot.

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

Mr. Moriarty made a motion to open the public hearing on Case #3316 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

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

Mr. Flaherty stated that he is before the board this evening as a result of his filing of an Approval Not Required (ANR) for the property. He noted that the site has 2.3 acres. The frontage for the proposal would have kept the same frontage on Mutton Lane; it would just be split in half.

Mr. Flaherty noted that he had signed up for the six-month demolition delay and this is when negotiations with the town began. In the ANR plan, the historical home would be removed. The house was built in 1768.

Mr. Flaherty stated that under the plan submitted this evening, he would be restoring the house himself and living in it. The other two houses would be built in an historical manner. The area would be called Brad Hawes Estates. There is a two-car garage that he would be willing to donate to the historical society.

Mr. Flaherty reviewed the requested variances by lot. He noted that the uplands are 56%.

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Mr. Luongo stated that it seems that the town has been losing historical resources. If a house is on the demolition delay list, the town, historical society, historical commission, or some other entity has six (6) months to come up with a plan to save the house. Once the six months have passed, if there is no plan, demolition will occur. He noted that many historical properties have been lost due to new developments and what has come to be known as demolition by neglect, when a property is in such disrepair that demolition is the only viable option.

The town is looking to provide incentive to the developer to save the home. Working with the engineering department, the owner will spend the money to restore the historical home and will be allowed to build two additional homes on the property. The ANR only calls for two (2) houses on the subdivided property with the demolition of the historical home. The proposal requested would have three (3) houses with the historical home being restored.

The hardship is that to restore the home, the financial commitment is significant. If the variance is approved there would be a preservation easement on the property. This means that the owner would have to restore the property and not change the historic character of the property.

Mr. McLeod asked for clarification on the number of houses to be built. As a matter of right, the applicant can build two new houses; however, this would result in the loss of the historical home as it would be demolished.

Mr. Flaherty noted that this application was filed prior to the current zoning changes. As a result, a 40,000-square foot lot may be sub-divided into two (2) lots of 17,500 square feet each.

Mr. McLeod pointed out that at a recent Board of Zoning Appeals meeting, an applicant requested to sub-divide a lot and was denied. That case is still within the appeal period.

Mr. Luongo responded that the special circumstances in this case are restoration of the cultural resource of the town. He stated that if the historical resource was not being saved, the town would not be in favor of approving the variances.

Mr. Luongo pointed out that the applicant has stated that it is not financially feasible for him to restore the historical home and build only one (1) new home.

Mr. Denizkurt asked if Community Preservation funds were considered or applied for on this site.

Mr. Luongo stated the town would have to lend the money to the applicant and have an easement placed on the property. Such an application would have to go before the Community Preservation Committee for approval and then sent to the Mayor, and

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finally to the Town Council for final approval. He noted that there are still many historical houses in town. To use Community Preservation funds could open a flood gate of applications.

Mr. Luongo stated that Community Preservation funds are limited.

Mr. Denizkurt asked what assurances, other than the preservation restriction, does the town have that the applicant will go ahead and restore the house.

Mr. Luongo stated that the preservation restriction would be put on the property as a condition of the variance. It would have to be in place before he pulls any building permits on the property. Once the preservation restriction is in place, the town could enforce the condition if the applicant tried to back out of the property restoration. He noted that the restoration would be required to be completed before any new buildings are constructed.

Mr. McLeod stated that he is concerned that, after many years on the board, he has seen approval of cases such as this, used against the town in other situations. He stated that the town has had a high mark requiring demonstration of hardship when granting variances.

Mr. McLeod acknowledged that the applicant would like to make more money from the sale of the additional houses to be able to finance the restoration of the historical home. However, he stated that if the board decides to do this, they have weakened their position going forward.

Mr. McLeod stated that he believes that the idea of this case is not the problem. It is the fact that one of the lots is substantially smaller than what is allowed. He reiterated that there was a case at the last meeting where the application was denied and the lot sizes were more than 20,000 square feet. He agreed that this site has historical value but in the eyes of the court this distinction will not matter. They will look at what are the numbers and what is the hardship.

Mr. Luongo suggested that this case be continued until the next meeting to do some legal research on the concerns raised: will this approval stand up as a special circumstance and not be used against the town in other cases.

Mr. McLeod stated that the question to be answered is "can the preservation easement be considered a hardship?"

Mr. Foley asked Mr. Flaherty if he had any estimates as to how much it will cost to restore the home.

Mr. Flaherty stated that he is a builder and plans to move into the historical house and live there while it is being restored. His plan is to do these two homes as

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“specs”. He would look for owners who want to purchase the property. He noted that the restoration would begin once the approval is received.

Mr. Flaherty stated that he was asked by the town to redo the plans.

Mr. Luongo stated that community preservation funds to purchase this home is not feasible. He pointed out that the town purchased the Emery Estate and is still trying to figure out what to do with it.

Mr. Moriarty asked about hardships. He wanted to know what does a preservation easement look like. Who is responsible to ensure that the preservation is kept in place? What do the plans look like for the restoration? He asked if a bond could be pulled?

A condition could be that building permits for the other lots would not be issued until the historical restoration is completed.

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

Joanna F. Doyle of 10 Mutton Lane submitted an email in favor of the proposal.

Mr. Flaherty stated that he takes pride in his work and compliance with the historical requirements is something he is committed to doing.

Mr. Moriarty made a motion to continue the public hearing for case #3316 until March 1, 2017. Town Counsel will be asked to answer questions regarding hardship and Mr. Flaherty will provide preliminary plans for the historical restoration. The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

New Business:

Case #3321 - The petitioner, Zero Front Street LLC c/o The Heritage Companies, for property located at **0 Front Street & 59 Washington Street** also shown on the Weymouth Town Atlas sheet 20, block 277, lot 23 & 1, located in a B-2 zoning district and within the Village Center Overlay District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

- 120-25.3 Special Permit for multi-family building (2) in excess of 29 units
- 120-40 Special Permit for the extension of existing non-conformity
- 120-25.5 Special Permit for Intensity of Use (height, setback, transparency)
- 120-25.7 Variance from Required Parking & 120-25.9 (Special Permit Parking)
- 120-25.10 Variance from required landscaping

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Presently located at 59 Washington Street is a two-story commercial building with a first-floor restaurant and vacant office space on the second story. Presently 0 Front Street consists of a sixteen (16) vehicle parking lot. The petitioner seeks to rehabilitate the existing commercial building at 59 Washing Street and convert the second story into two residential units, and construct a new three story residential building at the existing 0 front Street parking lot, with 21 residential units and two levels of parking; the grade level parking to be shared with the commercial space at 59 Washington Street.

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

Mr. Moriarty made a motion to open the public hearing on Case #3321 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

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

Attorney Edward Fleming appeared before the board representing the applicant. He noted that Michael Kiley, Garry Gardner, architect, Karlis Kulte, site engineer, and Heather Georgallas, traffic engineer, were also present this evening.

Mr. Fleming stated that there are two separate lots. He stated that the Passport Restaurant is located on the 59 Washington Street lot and utilizes a parking lot that is located on the 0 Front Street lot. He noted that the second-floor office space has been vacant for some time. When the restaurant usage was approved in 2006, a requirement was to provide 17 parking spaces. In fact, today there are 16 spaces in the lot.

The parking lot is unmonitored and uncontrolled and as such many commuters use the site, free of charge.

Mr. Fleming stated that the two sites combined have a total of 20,213 square feet. 0 Front Street is 1800 square feet and the 59 Washington Street is approximately 2200 square feet.

The first part of the proposal calls for renovation of the 59 Washington Street facility. The first floor will continue as a restaurant/retail facility while the second floor will be converted to two new residential units.

The second part calls for the construction of 21 units in a newly constructed building with two levels of parking. The first level of parking will provide 19 spaces and be

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used by the retail space in a controlled fashion. In addition, there will be a second level of parking with 25 spaces. This will provide a total of 44 spaces; subtracting the 16 spaces for the retail space the proposal allows for 28 spaces for the residential units which is 1.2 spaces per unit.

There will be six (6) 2-bedroom units at 790 square feet, three (3) studios at 670 square feet, and 12 1-bedroom units at 940-1200 square feet. These will be rental units. Although it is too soon to know exactly, the expected rents would range from \$1400 to \$2400 per month.

Mr. Gardner spoke about the details of the building design. The exterior of 59 Washington Street will be cleaned up. Much of the changes will be upstairs, which is being converted to two (2) 1-bedroom units at 700 square feet.

At 0 Front Street, there will be a lobby entrance that will be glass-enclosed. The building will be three stories with the garage on the ground level. There will be a sloped driveway which will lead to parking in the rear of the property. The second-floor parking will be for residential use only. There will be a fence and retaining wall along the property line. Average grade is 42 feet. At the lower grade the height of the building is 56 feet, in the rear the height is 52 feet.

Mr. Kulte stated that there is no change to the footprint of 59 Washington Street. The requirements of the village overlay district are met. The parking lot will be moved back from the Washington Street/Front Street intersection. The driveway to the dedicated residential parking will be via an external ramp which will have access controls to prevent non-residents from accessing the residential parking.

He noted that the topography is a challenge. The elevation is as high as 50 feet. Also, there are currently no storm water run-off controls. The new development will comply with storm water requirements. Before going forward with construction, they will confirm the soil type.

Mr. Fleming stated that the hardship for this location is that the lot is unusually shaped and the rear portion is narrow.

Mr. McLeod asked about traffic impacts at the intersection of Washington Street and Front Street. Mr. Fleming stated that a full traffic study has been completed and submitted to the town's traffic department. There has been some mitigation offered to the town to address traffic matters.

Mr. Kiley stated that he has spoken with the owners of the Passport Restaurant and they are in support of the proposal.

Mr. Kiley stated that access to the first-floor parking still needs to be worked out. The current plan is to have the garage doors open and it would be the responsibility

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of the restaurant to close the garage doors at the end of the night. There will be signs directing customer.

Mr. Foley asked what are the construction plans if the proposal is approved. He pointed out that the area is very tight and the Braintree site currently under construction across the street has not been done well.

Mr. Kiley stated they have worked on extremely tight sites in the past and are experienced in this area. They have already discussed with abutting neighbors about using their lots during construction if needed. The garage level will be built first and then parking will be provided there while the rest of the building is completed.

Mr. Fleming stated that a construction management plan will be provided to the town to address these types of concerns.

Mr. Denizkurt pointed out that on the second floor of 59 Washington Street there appears to be a door that leads nowhere. Mr. Kiley stated that there will be a ladder as this is an emergency egress.

Mr. Denizkurt asked about the horizontal exit noted on the plans. Mr. Kiley stated that this is another emergency egress.

Mr. Denizkurt questioned how snow will be removed from the site. Mr. Kiley stated the parking is all covered and the only areas needing snow removal would be the sidewalks and the driveway. He stated that their snow removal is mostly done in-house. A site may have a small bob-cat or snow blower depending on the needs.

Mr. Moriarty asked about the width and depth of the parking spots. Mr. Kiley noted that the existing spaces in the parking lot are not in compliance but the new parking will be 9 feet by 18 feet which are complaint. The height clearance on the first level garage is 12 feet. The trash dumpster will be inside.

Mr. Kiley stated that the parking on the first level will have designated spots for the two (2) units that will be above the restaurant. The responsibility for this level of the garage would ultimately fall to the restaurant. There would be signage that parking is for the restaurant and is private parking. If a car were left after hours, a sign would have contact information.

Mr. Fleming noted that the building will be managed and there would be signs indicating who to contact if there was a problem.

Mr. Schneider stated that the Planning Office has worked closely with the applicant and that all issues are housekeeping in nature and are being addressed.

Mr. Luongo stated that the traffic engineer has noted a timing issue that needs to be addressed at the Washington Street/Front Street intersection. The developer has also

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been asked to contribute \$20,000 to the upgrade the signal at Washington Street and Broad Street.

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

Town Councilor TJ Lacey addressed the board. He stated that he is a strong supporter of the overlay district. He asked the board to look at the entire area holistically. He believes that this project will begin the revitalization of the Landing area. He did express concern regarding the density. He noted that this proposal has 23 units, the project in progress across the street in Braintree has 174 units. There will be a proposal before the board soon for another 84 units, and possibly other proposals totaling as many as 350 units in the Landing area.

Councilor Lacey thanked the applicants for doing their homework and having a good presentation with details. He added that he is still concerned about how the traffic and construction safety will be addressed.

Mildred Daly stated that her concerns are parking and traffic. She stated that Weymouth does not need more apartments and condos. She expressed concern that there are two nursing homes in that area. She noted that there are beautiful historical homes on Front Street and that this project is changing the ambiance.

Theresa Quinton stated that she lives on Front street. She noted that the decisions of the board are permanent and need to be made with care. She added that renovating the 2nd floor of the Brava building is a good idea; however, the new construction could be softened, specifically the side of the building that will be seen coming down Front Street towards the intersection with Washington Street. The parking lot is used by other Landing businesses and to build walls and garage doors will cut-off this use.

Leonard Arabia stated that he owns the Elizabeth Catherine Rest Home at 27 Front Street and that his son and daughter live in the dwelling behind this building. He stated that he also owns 28 Front Street. He stated these properties are on the National Historic Registry. As an architectural engineer, Mr. Arabia believes that the building as designed is inappropriate for the area. He expressed concern about the residents of his properties walking to the Landing. In addition, he stated that there are no buildings on Front Street that are right on the street. The property adjacent to 0 Front Street is set 100 feet back from the street. He stated that this project is too much. He stated that traffic at this location is a nightmare. During construction, there could be blockage of a lane that would worsen that situation. He stated that approval of this project would be setting a precedence.

Diane Crook, 67 Washington Street, stated that her property has three (3) apartments and one (1) retail space. She noted that she informs her tenants that they are only

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allowed one (1) vehicle. She added that this points to the difficult parking situation in the Landing and that this proposal will only make matters worse.

Mr. McLeod noted that there is parking on Front Street near the intersection between 6am and 10am and traffic backs up on Front Street.

Heather Georgallas stated that there is no signage indicating that parking is prohibited. She stated that 14 AM vehicles in an hour and 26 PM vehicles in an hour will be added. She noted that their numbers are very conservative. She stated that the signal timing could be improved through coordination with Braintree.

Bob Luongo stated that all proposed developers are asked to work together regarding traffic and other impacts. He noted that there is traffic with or without projects.

Mr. Fleming responded to Mr. Arabia's comment about this project setting a precedent. Mr. Fleming pointed out that this is not the case because the parcel in question is the only one in the village overlay district on Front Street.

There was discussion regarding the requirements of the village overlay district regarding setbacks.

Mr. Schneider stated that as of 2/7/17 there are no further engineering comments from the town as the applicant has adequately responded to all town concerns.

Councilor Lacey asked the chairman to continue the public hearing rather than close it.

Mr. Foley made a motion to continue the public hearing for case #3321 until March 1, 2017 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Case #3322 - The petitioner, DAI Property Management Company, Inc. for property located at **84-94 Broad Reach**, also shown on the Weymouth Town Atlas sheet 3, block 1, lot 1, located in a R-4 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

120-21.1 & 120-18 (c) Special Permit for building exceeding 19 units.

Presently located on the ~15.07-acre lot is an existing 72-unit residential condominium building. The petitioner seeks to construct a 6-story, 50-unit residential condominium building with 22 covered parking spaces on the first floor and 50 residences located on the second through sixth floors; 7 single story four-unit garages, and fifty-nine exterior parking spaces.

Sitting Members: Richard McLeod, Chairman
Kemal Denizkurt

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Jonathan Moriarty
Ed Foley
Chuck Golden

Mr. Foley made a motion to open the public hearing on Case #3322 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

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

Attorney Frank Marinelli, 439 Washington Street, Braintree, appeared before the board on behalf of the applicant, Joe and David Iantosca. The proposal is to build Seascope, a development of 50 residences at Broad Reach. He stated that the following people were present, Gabe Crocker, Bill Hoyerman, Matt Watsky, Jeff Durk, Alan Auckman, Paul Borke, and Reese Schoeder, Shetsky architects.

Mr. Marinelli stated that Seascope has unique design, aesthetics, and open area. The site is 15 acres and in an R-4 zone, multi-family, high rise zone. He noted that the building complies with floor area ratio. No variances are required; a special permit is required because it is a multi-family residence with more than 19 units. This development will be the final residential project on the site. A decision will include conditions and a covenant.

The footprint of the building is 14,000 square feet where the Weymouth Port building is 163,000 square feet (11 times greater).

The proposed building is an upland building and requires no action from the Conservation Committee. Seascope will have only six (6) stories vs 14 stories at Weymouth Port.

The building will be comprised of 14 1-bedroom residences projected to sell at \$400,000 and 36 2-bedroom residences projected to sell at \$600,000.

The residences are located on floors two (2) through six (6) with 10 units on each floor.

He noted that there will be generous but low-level landscaping with a lot of grass and open areas with appropriate tree planting.

Mr. Marinelli stated that zoning requires 100 parking spaces. The site will provide a total of 109 spaces with 22 spaces on the first level of the building, 28 spaces in seven (7) Carports with 4 spots, as well as 59 surface parking spaces.

Mr. Marinelli stated that there has been community outreach by the Iantosca's who have held numerous meetings over the past year.

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The traffic assessment calls for one (1) additional vehicle trip every two (2) minutes during the peak hour. There are no discernable safety issues over existing conditions.

He stated that there are currently 14 school age children in the surrounding area and an average of two (2) additional school age children are expected annually. Seascape will not put an inordinate demand on municipal services.

This site formerly housed a fertilizer company. The site is now in environmental compliance. There is an Activity Use Limitation (AUL). Multi-unit residences are allowed in the AUL. There have been assessments and remediation documented from 1980 to 2008. The end result is that there is no significant risk from this site.

There will be limited disturbance of soil. A soil management plan, a safety plan, and air monitoring plan have all been submitted.

Most activity on the site are above the 3-foot cap. There is one area that will need additional monitoring and this will be done at the beginning of the project. Soil will not be removed from the site.

Mr. Foley asked about the construction. Reese Schroeder stated that there is a podium of steel frame with a concrete deck, and stick frame above.

Mr. Luongo stated that this project has been thoroughly vetted over the course of about one year. The town supports this application and all issues have been addressed. He noted that the developer has agreed to a special permit condition to not allow any additional residential buildings on the site. Currently, there is a draft condition. As an added safety precaution, this project would be subject to a covenant between the town and the developer. Mr. Luongo read the essences of the covenant which states that the conditions are to be in perpetuity.

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

Judy Henderson, resident of Weymouth, asked how many units are in the Dover and Essex buildings. Mr. Fleming stated that there are 72 units in each building. She stated that the front area is considered a brown field of contaminated soil.

Mr. Marinelli pointed out that the applicant is in compliance with the Activity Use Limitation (AUL).

Ms. Henderson then expressed concern regarding construction vehicles and dust coming from those vehicles as they enter and leave the site.

Mr. Marinelli stated that there will be an air monitoring plan.

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Ms. Henderson asked about the amount of space between the building and waterfront.

Gabe Crocker stated that the building is outside of conservation commission jurisdiction as the building is set back more than 200 feet from the waterfront at the closest point.

Mr. Crocker stated that the car ports are at the base of the hill leading up to Webb Park. There will be no impact to Webb Park.

Mr. Marinelli stated that the Board of Health will receive reports of the results of air monitoring which will be public records and available for viewing upon request.

Adam Brodsky, environmental and land-use attorney, stated that he represents the interests of Weymouth Port. He informed the board that the Weymouth Port trustees do not oppose this project. However, they would like to see additional environmental protection that open space will remain open in perpetuity. He suggested that a conservation restriction be used as a statutory restriction rather than a covenant. He asked that the public hearing be kept open until the covenant document is written.

Mr. Marinelli stated that conditions and a covenant are more than adequate and reasonable for this application.

Linda DiAngelo, current president of the Back River Watershed Association, stated that there are concerns about the impacts on the river as well as the movement of the soil.

Mr. Foley asked that Town Counsel provide clarification of the difference between a covenant and a conservation restriction for the next meeting.

Mr. Foley made a motion to continue the public hearing until March 22, 2017 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Upcoming Meetings - March 1, 2017, March 22, 2017, and April 19, 2017

ADJOURNMENT

Mr. Foley made a motion to adjourn at 11:30pm and was seconded by Mr. Golden. VOTED UNANIMOUSLY.

Approved by:

Mr. Denizkurt, Clerk



3-16-17

Date