

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, March 1, 2017

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

Also Present: Robert Luongo, Planning Director
Eric Schneider, Principal Planner
Janet Murray, Recording Secretary

Chairman McLeod 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 #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:

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: Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brandon Diem

Not Present: Ed Foley

Mr. Denizkurt made a motion to continue Case # 3313 which was taken under advisement on February 15, 2017, until March 22, 2017 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

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

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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

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
Chuck Golden

Not Present: Ed Foley

Mr. McLeod informed the applicants that Mr. Foley is unable to be present this evening and they have the option to continue. The applicants decided to go forward with tonight's hearing with only four (4) members present. Mr. McLeod stated that Mr. Foley will review the tapes of this meeting and be able to participate when this matter comes to a decision.

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

Attorney Edward Fleming appeared before the board on behalf of the applicant along with Michael Kiley.

Mr. Fleming stated that there had been concerns about the architectural style being non-compatible with the Front Street neighborhood. He noted that the village overlay district calls for this property to align with the Washington Street business district rather than with the residential district on Front Street.

He stated that the public amenity is served by the parking provided for the restaurant.

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Mr. Kiley addressed the issue of screening the transformer that is located at the front of the property. He stated that he has learned that National Grid will allow screening.

As to concerns regarding construction vehicles during the building process, Mr. Kiley stated that there will be a detailed construction management plan.

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

Diane Sandonado stated that the area is already congested and this project will cause more disruption. She also noted that when the project is being constructed, the site is very small and tight which will force construction vehicles onto the street.

Karen Higgins stated that the roads in the Landing area were not designed for this type of development. The growth being proposed is pushing surrounding area residents out of the Landing.

Mr. Primiano, 82 Rindge Street asked how long it would take the project to be completed. Mr. Kiley stated that there would be at least 2-3 more months of design work and then 12-14 months to complete the project.

Matthew Mullin, owner of Open Door Studios, stated that he believes that the current businesses will be driven out by this type of project as parking will become more and more scarce for his clients.

Diane Crook, 67 Washington Street, stated that she believes that the building will be too close to her property and block light to her tenants. Mr. Kiley showed Ms. Crook how the building is designed.

Mike McEvoy, East Street, stated that he appreciated the professionalism of the applicants.

Kevin Ellis asked about the number of parking spaces. Mr. Fleming stated that there will be a total of 44 parking spots: 19 on the first level, and 25 on the second level.

Mike Galino asked how many spots were currently on the site. Mr. Fleming stated that there are currently 16 but the special permit for the restaurant calls for 17. The plan calls for adding one (1) more space as well as two (2) more spaces for the residents in the new apartments on the second floor of the Brava building.

There was discussion regarding landscaping and the elevated driveway. Eileen Dumont stated that the aesthetics of the project are not in keeping with the area nor is the garage door design. She noted that this is a village center not an urban area.

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Mr. Kiley spoke about providing some type of covering for the transformer but it needs to remain in its present location due to the power company's requirements.

Heather Gerard, 55 Front Street, noted that aesthetics is subjective.

There was discussion regarding the style of the building.

Mr. Kiley stated that the construction hours will generally be 7am to 3:30pm.

Dennis Dumont asked if the garage door could be on the side of the building along the driveway ramp.

Mr. Kiley noted that this was not possible because of the grades and the proximity to the restaurant. Patrons would have difficulty locating the restaurant parking.

Mildred Daly expressed concern regarding the parking situation and stated that she did not see the need for more apartments in the Landing.

Dennis Flanagan questioned how much water these additional units would require and can the town sustain this additional usage.

Mr. McLeod stated that the town's departments have had no comments or concerns.

Mr. Berg, Summer Street, stated that traffic has always been, and always will be, a problem in the landing. He agreed that aesthetics is subjected. The market is calling for this type of development.

Councilor TJ Lacey stated that he supports the town's village overlay district but expressed concern regarding density and strategy. He does not want the Landing to be overburdened.

Diane Sandonado asked why the transformer is not underground. Mr. Kiley stated that utilizes such as power and lighting are required to be underground not transformers.

Chris Primiano, 82 Rindge Street, asked what percentage of residents are expected to use commuter rail services. Mr. Fleming stated that approximately 85% are expected to use it. This projected is designed for transit users.

Eric Schneider noted that the developer has worked to incorporate the Brava building into the design rather than demolish.

Heather Gerard asked if the design could be reworked so that the new construction matched the design of the Brava building.

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Dennis Dumont stated that the proposed new design is distinct and different from the Brava building.

Dennis Flanagan stated that he does not believe that this project is a good fit for the Landing.

Theresa Quinton, 79 Front Street, asked why, if the project fits into the village overlay district, the developer is requesting three (3) special permits and two (2) variances.

Kevin Ellis, 43 Front Street, stated that traffic is backed up past the project site. He stated that residents attempting to take a left from Front Street into the parking lot or onto the ramp driveway will have a very difficult time. This will create gridlock at the Washington Street/Front Street intersection.

Needa Stricker, Sterling Street, Braintree, stated that safety should supersede anything else.

Bob Luongo stated that the town's traffic engineer, Owen McDonald, has reviewed the traffic in the Landing. There are timing adjustments that need to be done at the intersection. Improvements at the Summer Street/Front Street intersection are also being reviewed.

Mr. Luongo stated that this project has been vetted over several months and it is the town's intention to protect the residential neighborhoods. New zoning has been implemented to limit changes in residential areas.

He noted that many people are in favor of development but afraid of the potential for traffic. He agreed that change can be unsettling. The intent is to confine development in transit-oriented locations. These types of projects are put forth by developers who follow trends in order to make money. He noted that land costs are high and developers are not going to build single-story buildings. The 4-story building is in keeping with the area.

Mike Galino, Front Street, stated that this project is cramming too much into the lot. He asked the board not to grant the variances.

Heather Gerard stated that the style reflects a city environment and Weymouth is not a city.

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

Mr. Moriarty made a motion to take case #3321 under advisement and was seconded by Mr. Golden. Voted 4-0.

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This case will be heard at a special meeting scheduled for March 16, 2017 which is a Thursday.

Case #3316 - Continued from 1/4/17, 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)
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 Chuck Golden
Not Present:	Ed Foley

Mr. Denizkurt made a motion to continue the public hearing on Case # 3316 until March 22, 2017, and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

New Business:

Case #3323 - The petitioner, GND Realty Trust, for property located at 4-48 Commercial Street also shown on the Weymouth Town Atlas sheet 20, block 202, lot 20, located in a B-2 Zoning District and within the Village Center Overlay District.

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The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

- 120-25.3 Special Permit for multi-family building(s) in excess of 19 units.
- 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

The property formerly consisted of seven (7) commercial/retail storefront units, which were demolished in anticipation of redevelopment. The applicant seeks to construct a new four (4) story mixed use building with approximately 10,588 square feet of commercial/retail space on the ground floor level two levels for use as parking garage, and eighty-seven (87) residential units. A portion of grade level parking to be available for the commercial/retail units. Egress to be from two Commercial Street locations and one egress through the municipal parking lot to the Frank Lloyd Write Connector.

Mr. Moriarty made a motion to continue the public hearing without opening it on Case #3323 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Case #3324 - The petitioner, Jessica Murray-Sisson for property located at **79 Granite Street**, also shown on the Weymouth Town Atlas sheet 16, block 205, lot 14, located in a R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

- 120-40 Special Permit for Extension or change to a nonconforming structure
- 120-52 Variance - Lot under 5000 square feet

Presently located on the approximately 4790 Square foot lot is an existing single-family dwelling with approximately 1176 square foot footprint. Setbacks of current structure are nonconforming. The proposed new house will lessen or eliminate these encroachments.

A motion was made by Mr. Denizkurt to continue without opening the public hearing on Case #3324 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Case #3325 - The petitioner, Christine & Matthew Kenney, for property located at **34 Lakeside Avenue**, also shown on the Weymouth Town Atlas sheet 23, block 302, lot 27, located in a R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

- 120-40 Special Permit for Extension or change to a nonconforming structure

Presently located on the approximately 7270 square foot lot is an existing single-family dwelling. The petitioner seeks to construct an approximate 8' X 19' square

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foot addition and an approximate 16' X 19' square foot second-story addition to the existing dwelling.

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

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

Ms. Kenney appeared before the board. She stated that she would like to put an addition onto the house that does not extend beyond the existing footprint. She said they were extending the first floor by 8 feet and build a second story onto the existing structure.

She noted that the home was built very close to the street.

Mr. Schneider stated that Mary Ellen Schloss, Conservation Commissioner, did a site visit today to review what needs to change. There is a shed that encroaches onto town property.

Mr. Moriarty made a motion to close the public hearing and was seconded by Mr. Golden

Mr. Denizkurt made a motion to approve the request for a special permit for case #3325.

1. The specific site is an appropriate location for such a use.
The site is an existing single-family home. The changes are not further encroaching on setbacks.
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.

The motion was seconded by Mr. Moriarty. Voted 4-0.

Minutes: January 25, 2017

Mr. Moriarty made a motion to approve the minutes from January 25, 2017 and was seconded by Mr. Golden. UNANIMOUSLY VOTED.

