

**BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, March 30, 2016**

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

**Also Present:** Bob Luongo, Planning Director  
Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the Town Hall, Council Chambers, 75 Middle Street and explained the procedures that would be followed to the people present.

**Old Business:**

1. **Case #3270** – Continued Public Hearing from 1/6/2016 - sitting members: McLeod, Foley, Denizkurt, Golden, Moriarty - 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	Minimum Required Spaces
Special Permit; Table 1	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  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty - Absent  
Ed Foley

2. **Case #3271** – Continued Public Hearing from 1/6/2016 - sitting members: McLeod, Foley, Denizkurt, Golden, Moriarty –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  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty - Absent  
Ed Foley

3. **Case #3272** – Continued Public Hearing from 1/6/2016 - sitting members: McLeod, Foley, Denizkurt, Golden, Moriarty –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  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty - Absent  
Ed Foley

4. **Case #3273** – Continued Public Hearing from 1/6/2016 - sitting members: McLeod, Foley, Denizkurt, Golden, Moriarty –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  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty - Absent  
Ed Foley

Eric Schneider stated that Foxrock Properties, Case # 3270, 3271, 3272, 3273, has requested a continuation to the next meeting of April 20, 2016.

Ed Foley made a motion to allow Case #3270,3271,3272 and 3273 to be continued to April 20, 2016 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

5. **Case #3277** – Continued Public Hearing from 3/9/2016 - sitting members: McLeod, Foley, Denizkurt, Golden, Moriarty - The petitioner, **James Quinn, for property located at 230 Washington Street**, shown on the Weymouth Town Atlas sheet 20, block 274, lot 6, located in the B-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-40 Extension or change of non-conformity

The petitioner seeks to remove an existing backlit business sign (the Bicycle Link) and install a new, updated, same-size replacement.

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

Appearing before the board is James Quinn, Owner of the Bicycle Link, 230 Washington Street, Weymouth.

Bob Luongo stated that he met with the owner, James Quinn and since he was already in the process of replacing his sign and is not within the Village Center Mr., Luongo has no objections to this sign.

Ed Foley said now that Bob Luongo is on board the town will try to stay with the new designs of the zoning bylaws for signs.

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

Ed Foley made a motion to close the public hearing on Case #3277 and was seconded by Chuck Golden.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve this application for a special permit.

**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. **Replacing existing sign.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **This is a more appealing sign that will fit well with the neighborhood.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **The sign will be lit.**
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. **Hopefully the applicant will be able to continue to serve the community with his bike store.**

Chuck Golden seconded this motion.

VOTED UNANIMOUSLY

7. **Case #3279** – Continued Public Hearing from 3/9/2016 - sitting members: McLeod, Foley, Denizkurt, Golden, Moriarty – The petitioner, **Christopher Traietti, for property located at 36-50 Finnell Drive**, shown on the Weymouth Town Atlas sheet 36, block 452, lot 4, located in the I-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-29 E Use; Place of Recreation or Assembly

The petitioner seeks to open a non-contact cardio boxing studio in an existing building located in an industrial park.

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

Appearing before the board was Brett Levy, Manager of the company that owns the property.

Chairman McLeod said the board was concerned with the overflow parking during peak hours.

Mr. Levy said as the property manager they make sure there is enough parking spaces for all tenants without disrupting the other tenants. Some tenants have 18-19 spaces and only use 4. It is their job to maintain order on the property. They would not have signed a lease with them if they thought parking would be a problem and it is part of the lease agreement that parking will not be disruptive to others.

Kemal Denizkurt asked how many parking spots does the applicant have. Mr. Levy stated they have 3 spaces in the front and in the rear it's a 20 foot wide by 40 foot deep area that they could put 6 cars in for a total of 9 spaces.

Mr. Levy reviewed a map with the board and said the yellow spots in between the building are striped, the boxed areas are striped and then there are parallel striped parking in the yellow overflow areas. He is estimating that you could probably fit up to 40 vehicles.

In the morning the applicant will have classes of 10-12 people and during the day there will be 4 classes one on one and in the evening as many as 20 people but will most likely be 10-12.

If someone uses more spaces than they are entitled to the property manager will fine the tenant whose customer is causing the violation. He has not encountered this problem to date.

Chuck Golden asked if the moving company has spoken with this applicant and Mr. Levy said not yet but he told him that they could use them.

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

Ed Foley made a motion to close the public hearing on Case # 3279 and was seconded by Chuck Golden.

**VOTED UNANIMOUSLY**

Ed Foley made a motion to approve the application for a special permit under section 120-29E, Use; Place of Recreation and Assembly.

The applicant stated that the property manager said business #36 has 15 spaces and has up to 6 employees which would free up 9 spaces and the applicant has 9 spaces for a total of 18 spaces which is enough.

**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 in an industrial park.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **Its in an industrial park and there will be workout classes.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **Property management stated there are enough spaces to accommodate the applicant.**
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. **It is nice to have a business where people can stay healthy.**

Conditions:

The property manager will enforce any parking problems with fines and make sure the parking is not a problem.

This motion was seconded by Chuck Golden  
VOTED UNANIMOUSLY

**New Business**

6. **Case #3278** – Continued Public Hearing from 3/9/2016 - sitting members: McLeod, Foley, Denizkurt, Golden, Moriarty - The petitioners, **Cayla and Daniel Ahern, for property located at 76 Fuller Road**, shown on the Weymouth Town Atlas sheet 8, block 110, lot 18, located in the R-1 zoning district. The petitioners are seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit;           120-40     Extension or change of non-conforming lot  
                                  120-58     Exception for erection on previously recorded lots

The petitioner seeks to construct a ~860 SF two-story addition on the rear of an existing single family dwelling, located on a ~4953 SF lot.

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

Ed Foley made a motion to open the public hearing on Case # 3278 and was seconded by Chuck Golden. VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3278 and was seconded by Chuck Golden.  
VOTED UNANIMOUSLY

Appearing before the Board was Daniel and Cayla Ahern.

The applicant stated that her mother is looking to move into their house with them as she is elderly and a widow. The space will not be an in-law but will have a small kitchenette. The building department visited the site and has approved the proposal. They currently have a 3 bedroom and this would make it a four bedroom.

The applicant proposed an approximate 860 sq ft addition to their existing 1,337 sq ft home at 76 Fuller Road. The subject lot is 4,956 sq ft and backs up to the rear of the Bridge Street Staples. The existing structure is nonconforming as the side yard setback on the east side is only 9.3 feet. Table 1 of the Zoning Ordinance requires 10 feet. The proposed addition extends and maintains the 9.3 foot setback. A conforming rear yard setback of 25.7 feet will be maintained.

The variance on the size of the lot is because of the size and shape of the lot there is no place else to go.

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

Ed Foley made a motion to close the public hearing on Case # 3278 and was seconded by Chuck Golden.  
VOTED UNANIMOUSLY

Ed Foley made a motion to approve Case # 3278 for a special permit.

**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. **He will not be extending the nonconforming setbacks.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The property abuts Lowes**

3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **The addition is for the mother.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Proper permits for water and sewer will be issued**
5. That the public convenience and welfare will be substantially served with the proposal. **Provide additional tax revenue to the town of Weymouth.**

Chuck Golden seconded this motion.  
VOTED UNANIMOUSLY

Ed Foley made a motion to approve the Variance for Case # 3278. The lot is undersized and the hardship is the size and shape of the lot.

**Variance Criteria for Approval.** Weymouth Zoning Ordinance Section 120-119A(3). The Three Required Findings For Granting A Variance:

***Finding #1: Soil, Shape, Topography***

Owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located.

- The board must also find that the peculiarity is unique to the zoning district where the parcel is located.
- The peculiarity must not be found in the district as a whole.

***Finding # 2: Hardship***

A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise.

***Finding # 3: Public Good***

Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance or bylaw.

Chuck Golden seconded this motion.  
VOTED UNANIMOUSLY

**Other Business:**

**Minutes** – January 27, 2016, March 9, 2016

Ed Foley made a motion to approve the minutes of March 9, 2016 and was seconded by Chuck Golden.

VOTED UNANIMOUSLY

**Upcoming Meetings** – April 20, 2016, May 11, 2016 and June 1, 2016



Chuck said he is not available for the May 11, 2016 meeting.

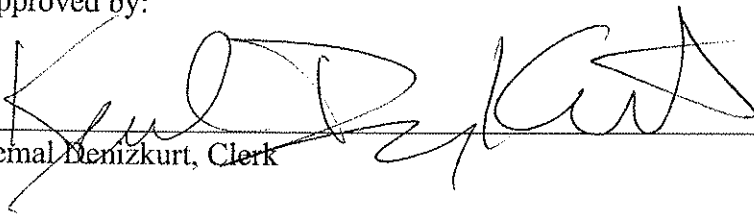
**ADJOURNMENT**

Ed Foley made a motion to adjourn at 7:50 pm and was seconded by Chuck Golden.  
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin  
Recording Secretary

Approved by:

  
\_\_\_\_\_  
Kemal Deniz Kurt, Clerk

4-20-16  
\_\_\_\_\_  
Date