

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, May 10, 2017

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RECEIVED
TOWN OF WEYMOUTH
PLANNING & COMMUNITY DEVELOPMENT

Members Present: Ed Foley, Vice Chairman
Kemal Denizkurt
Jonathan Moriarty
Chuck Golden

Not Present: Richard McLeod, Chairman

Also Present: Eric Schneider, Principal Planner
Robert Luongo, Planning & Community Development Director
Patricia McDonnell, Recording Secretary

Vice Chairman 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.

New Business:

Case #3331 – The petitioner, Michael A. Goldberg, Trustee of Martinberg Realty Trust, for property located at 169 Libbey Industrial Parkway, Unit 169, also shown on the Weymouth Town Atlas sheet 38, block 435, lot 7, located in a POP Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

120-74 (k) Variance: Minimum required parking spaces - offices

Presently located on the ~231,100 SF lot are two condominium units. Unit 169 consists of a two story building with ~15,225 SF of floor area. The petitioner plans to convert ~2,050 SF currently used as warehouse space to office space, and is seeking relief from having to construct 10 additional parking spaces.

Mr. Golden made a motion to open the public hearing on Case #3331 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Golden made a motion to waive the reading of the public hearing notice for Case #3331 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Attorney Adam Brodsky, and the applicant, Michael Goldberg, were present. Mr. Brodsky stated they are seeking a parking variance as they would like to convert ~2,050 SF of warehouse space into office space. The conversion would require ten additional parking spaces, one parking space per 200 SF, and there is no room for additional parking. They currently have 192 parking spaces and the parking is grossly underutilized. A parking evaluation which was prepared by Cavanaro Consulting was provided to the board. This parking evaluation determined that the parking lot is operating at a range of 48-62% of its total capacity and the minimum number of empty spaces observed during the AM & PM peak operating times ranges from 75 to 100 total empty spaces.

Mr. Brodsky stated there are clearly circumstances relating to lot shape and topography to support the variance request. He stated it would be a hardship to his client if the variance were not granted so that he can make reasonable use of the property. This change would not create any traffic issues or harm to adjacent properties or the public good.

Mr. Foley asked if the renovation to the warehouse is contained to the first floor. Mr. Brodsky stated yes. Mr. Foley asked if they are planning on using existing mechanical systems which are on site now. Mr. Goldberg stated there will be some upgrades needed. Mr. Foley stated he was on site this afternoon and there were sufficient spaces in the lot at the time.

Mr. Moriarty asked who the current tenants are. Mr. Goldberg stated Menemsha Companies, a commercial contractor, are moving out. Mr. Moriarty asked who will occupy the space. Mr. Goldberg stated his business, Child and Family Psychological Services, currently occupies the second floor and will now occupy the entire building. Mr. Moriarty asked how many employees Menemsha has currently. Mr. Goldberg stated his best guess is 12 to 15, and he will have 18 people on the first floor, adding approximately four new people. Mr. Moriarty expressed concern that the nature of this business might necessitate more parking. Mr. Goldberg stated he does not feel he will be using anywhere near the amount of spaces they currently have. Mr. Goldberg stated he has been in business for 23 years, owns his spaces and has stability and a long-term plan.

Mr. Schneider stated staff is supportive of the change in use and feels it is a better use. He stated the town's traffic engineer has checked the area four times and validated the findings of the traffic study.

Mr. Foley asked if anyone from the public would like to speak. There was no one present wishing to address the board.

Mr. Luongo stated there is ample space to more than accommodate the conversion of the warehouse space and he does not see any problems with this conversion. He stated the vision of the town and mayor is to have Libbey Parkway evolve into more of a commercial office park. He stated this is something the town is encouraging and planning for. There is signalization planned for the intersection of Middle Street and Libbey Parkway to handle additional traffic flow. They are also planning for signalization at Libbey Parkway and Pleasant Street, which is being funded by Bristol Brothers and should advance substantially in a short period of time.

Mr. Foley advised the applicant that the board only has four members present and four votes will be needed to have the application approved, or the applicant can wait and come back when the fifth member is present. Mr. Brodsky stated they are prepared to close the hearing, but asked if any member has a reservation to voice that concern now.

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

Mr. Foley made a motion to approve this application for a variance to the amount of parking spaces. The hardship being topography, shape of the lot, and to enforce the bylaw would create substantial hardship, both financial and otherwise, to the applicant. The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Case #3332 – The petitioner, Juan Yu, Trustee, Clapp Realty Trust, for property located at 24 Clapp Avenue, also show on the Weymouth Town Atlas sheet 20, block 273, lot 31, located in an R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

- 120-39 Special Permit: Continuation of non-conforming use
- 120-40 Special Permit: Extension or change of non-conformity

Presently located on the ~16,500 SF lot is a three-family dwelling. The petitioner seeks to increase the current living space on the top floor by adding two bedrooms; the proposed work will be at the rear roof line.

Mr. Moriarty made a motion to open the public hearing on Case #3332 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public hearing notice for Case #3332 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Attorney Gregory Galvin, and the applicant, Juan Yu, were present. Mr. Galvin stated the property was converted from a two family to a three family in 1961. The applicant would like to square off the back of the building to add additional bedrooms. The building will continue to be a three family, however, the top floor would have three bedrooms, with a kitchen and living room.

The property shares a driveway which is wide enough for the neighbor on the left to have a driveway. The applicant engaged an engineer to identify six parking spaces to meet the bylaw. There would be more than adequate space in the back to provide two spaces of off street parking per dwelling unit. The applicant's property is on the left hand side and is higher than the property on the right, so the topography would be scaled to run toward the concrete wall that exists between the dwelling and the Electroswitch property. The topography drops significantly into the Electroswitch property and any water would be caught by the concrete wall. This application is for a special permit to continue and expand the existing nonconforming dwelling through an extension by adding the additional two bedrooms.

Mr. Galvin stated they provided an elevation plan showing what the building would look like if the application were approved. The applicant did take a petition to her neighbors and got all of the neighbors on Clapp Avenue to sign. He identified on the assessors map each parcel where a neighbor signed agreeing to this application and provided a copy to the board. The only two direct abutters that did not sign were Electroswitch, because management is not at that building, and 177 Broad Street, which appears to be abandoned as best they can tell. He stated the application meets the criteria of the bylaw and the applicant is seeking to dress up the property by making the building more attractive. This has been a legal three family since 1961 and the use will not be detrimental to the established or future character of the neighborhood.

Mr. Foley informed the applicant there are only four board members present and all four votes will be needed. He gave them the option to move forward or wait for the five members. Mr. Galvin stated he and his client are in agreement to move forward this evening.

Mr. Foley confirmed there will be six off street parking spaces and the berm will help with the runoff. Mr. Galvin stated the berm will limit the amount of water going back toward Clapp Avenue. Mr. Foley asked to enter the assessors map into the record as exhibit one. Mr. Foley confirmed they are not extending the footprint of the existing building.

Mr. Schneider stated they have not received any concerns from other departments and the taxes for this property are up-to-date. He stated staff supports this because it is not adding an additional unit, will continue to be a three family, and the parking situation will be improved by the project.

Mr. Foley asked if anyone from the public would like to speak. There was no one present wishing to address the board.

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 this special permit, adding two bedrooms on the third floor. The applicant has presented information for special permit. This use will not be detrimental to the established or future character of the neighborhood or town. There will be no nuisance and parking will be in the back of the lot, extending existing pavement for these spaces. Motion seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Other Business:

Upcoming Meetings – June 7, 2017, June 28, 2017, July 26, 2017

ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 7:40 p.m. and was seconded by Mr. Denizkurt . VOTED UNANIMOUSLY.

Respectfully submitted by,

Patricia McDonnell
Recording Secretary

Approved by:
Kemal Denizkurt, Clerk

 6/7/17
Date