

**BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, May 11, 2016**

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

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

Vice Chairman Ed Foley called the Board of Zoning Appeals meeting to order at 7:10 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Old Business:

Case #3276 – Continued Public Hearing from 3/9/16, 4/20/2016 - The petitioner, Charles Cocce, for property located at **28 Pond Street**, shown on the Weymouth Town Atlas sheet 49, block 555, lot 10, located in the R-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-13.3 A Alteration or Expansion Exceeding 10% of Existing Gross Floor Area
Variance; Table 1 Lot Area Required for 5 Units @ 5,000 SF per Unit

Presently located on the ~ 8800 SF lot, is a ~2250 SF dwelling with 2-1 bedroom apartments and 2 studio apartments. The petitioner seeks an additional apartment by constructing a third floor shed dormer, increasing the third floor living space by ~723 SF.

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

Appearing before the board was the applicant Charles Cocce. Mr. Cocce distributed a parking layout to the board. This was a plan of land by Peter Hoyt showing parking layout and was labeled as Exhibit A.

As there are only 3 members present this evening the applicant and board would like to continue this to the June 1, 2016 meeting.

Jonathan Moriarty made a motion to continue the public hearing to June 1, 2016 and the applicant has waived the time period in which the board needs to act on this case. This motion was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

Case # 3283 – The petitioner, Jennifer Porter, for property located at 73 Cain Avenue, also shown on the Weymouth Town Atlas Sheet 18, Block 246, Lot 1, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-13A Single-Family to a Two-Family

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

Eric Schneider stated that the applicant and Eric met with Jeff Richards and Jennifer has decided to go with the in-law option instead of the request for a 2 family. Jennifer Porter is requesting to withdraw without prejudice. Eric Schneider has not received anything in writing yet from the applicant.

Jonathan Moriarty made a motion to continue case #3283 to June 1, 2016, should the applicant submit a letter to withdraw prior to that date it shall be deemed accepted without prejudice and not brought forward to the next hearing. Kemal Denizkurt seconded the motion.

VOTED UNANIMOUSLY

New Business:

Case #3284 – The petitioner, John Deady, for property located at **555 Broad Street**, also shown on the Weymouth Town Atlas Sheet 22, Block 291, Lot 12, located in an 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-conforming use

Presently located on the property is an existing building with 2 retail/office units on the first floor and 2 apartment units on the second floor, with no parking provided. The petitioner is proposing to substantially renovate the existing structure, expand the second floor units to 2 levels by constructing a third floor, and convert the apartment units and the retail/office units to condominiums.

Sitting Members: Kemal Denizkurt
 Jonathan Moriarty
 Ed Foley

Brandon Diem

Jonathan Moriarty made a motion to open the public hearing on Case # 3284 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

Jonathan Moriarty made a motion to waive the reading of the publication on Case # 3284 and was seconded by Kemal Denizkurt.

Appearing before the board was the applicant John Deady. Mr. Deady would like to change the first floor to office retail condominiums. This would substantially improve the building that has been neglected for the past 20 years.

Ed Foley stated that this building has been sitting for a long time and he is happy to see an improvement.

Kemal asked if there is anyone occupying the office space and it was stated no. It have been vacant as an office for the past year. He is within the height limitations.

Right now there are no parking spaces. Since the applicant owns the Clapp building next door, he will be leasing 2 parking spaces to this property. Mr. Metri is the owner across the street and he has agreed to lease him 2 spaces as well for parking. This will allow for 4 parking spaces total.

Jonathan stated he has some concerns and the height is one of them as it will be the largest structure in that square. He is very concerned about the parking and wants to hear more about the lease terms and snow removal.

The applicant stated right now they will be a 5 year lease with Mr. Metri but he will be trying to get a longer lease. Currently there are people living in the building and they take the bus and train. The 2 parking spaces from the Clapp project will be perpetual (for life) they will not be leased, this will be one space for each unit. By proposing this the applicant is actually decreasing the nonconformity of the property.

Trash removal will be two trash and two recycle for a total of 4 barrels for the condominiums. The commercial space will use a small dumpster in the back. Jonathan would like to make sure it is screened in as a condition.

The applicant stated that right now there are already two apartments there with no parking and it will remain two condominiums so the amount of units will not change. It is already existing and nonconforming. The spaces at Clapp will be deeded and there will be guest spots they can park in. The commercial space will not have parking as there is plenty of street parking for any business that goes in there. He is not expecting a business with a lot of traffic. The surrounding businesses are high traffic.

Kemal stated that Next page and the hair salon has off street parking. The Karate, Gios, etc. has parking in the back of their building. There is some on street parking in that area for business.

Kemal asked what the outside material on the building will be and he said a hardy plank siding with insulation. He tried to follow the neighborhood guidelines for the area.

Jonathan asked if the commercial space will be handicap accessible and the applicant stated no. It was asked if they needed to be and Bob Luongo will look into this for them. This will be up to the building department when he submits his construction plans.

The applicant will not be increasing the footprint of the building only increasing the height.

Brandon Diem asked if this project will be stretch code compliant and the applicant stated yes.

Eric stated that there were no staff comments.

Public Comments:

Robert Piatzo, 564 Broad Street – can the applicant add two more parking spaces on the Clapp property? It was stated no he would have to go back to the building department for more parking. Jonathan said he reduced his project from 20 to 19 to free up two parking spaces which are now dedicated perpetually to this project. There are also 12 guest spaces that could be used if there are spaces available for this project.

Janell Quinn, 29 Tamarack Trail said she loves what John has done with the Clapp and sees this as a huge improvement to the area and will make the square much more pleasing to the eye. Understands some of the parking concerns and is sure he will work around it.

Councilor Brian McDonald – The Clapp project is great and he supports this project 100%.

Bob Luongo stated that he understands the concerns relative to parking. The applicant is reducing the nonconformity and it meets what the town is trying to do with the Village Centers even though it isn't within one. He has met a lot of the standards in the guidelines and it is a pleasing design. Weymouth allows on street parking but no overnight parking that is why he has created 4 parking spaces. The area has great bus service and is close to the train line.

Jonathan Moriarty made a motion to close the public hearing on Case # 3284 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve the Special Permit for Case #3284 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

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.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **It will improve the intersection and beautify it.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **The applicant is adding 4 parking spaces**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **The building will be sprinklered and dumpster will be screened in, ADA code will be met if necessary as well as stretch code.**
5. That the public convenience and welfare will be substantially served with the proposal. **Adding residential quarters and new office space for tax revenue. Applicant will do his best to use local labor.**

Conditions:

- Dumpster needs to be screened in and removal will be Mon-Fri 9-5

Case #3285 – The petitioner, RK Weymouth LLC and Precinct 10, for property located at **110-140 Main Street and 559 Washington Street** shown on the Weymouth Town Atlas sheet 29, block 329, lots 10, 12, 15, 21, located in the B-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit;	120-25(A)	Use – Shopping Center
	120-74(Q & R)	Minimum required parking spaces

The petitioner seeks to open a new 250-seat restaurant in ~11,416 SF of vacant space within an existing retail plaza.

Sitting Members: Kemal Denizkurt
 Jonathan Moriarty
 Ed Foley
 Brandon Diem

Jonathan Moriarty made a motion to open the public hearing on Case # 3285 and was seconded by Kemal Denizkurt.
VOTED UNANIMOUSLY

Jonathan Moriarty made a motion to waive the reading of the publication on Case # 3285 and was seconded by Kemal Denizkurt.
VOTED UNANIMOUSLY

Vice Chairman Foley explained to the applicant that there are only four members present this evening and he would need a unanimous vote for approval this evening as 1 member is absent. The applicant stated that he understood and wants to continue with the hearing.

Appearing before the board was the applicant Mr. Kevin Hines and his Attorney Greg Galvin, 775 Pleasant Street. Attorney Galvin stated that applicants are both RK Associates and Mr.

Kevin Hines, owner of proposed restaurant. The location will be in the space where the Hilltop Market was at the RK strip mall. The strip mall consists of retail businesses. Currently under the town's bylaws there are not enough parking spaces. It requires 825 spaces for the retail use and they have 585 spaces. A traffic study was done on Friday and Saturday 4/1/16 and 4/2/16 to show there is more than enough adequate spaces. This were done during peak hours.

On Friday evening 5-8 pm there are 464 empty spaces.
Saturday lunch 11-2 pm there were 403 empty spaces.
Saturday at dinner 5-8 pm there were 470 empty spaces.

Mr. Hines has operated restaurants for many years. Precinct 10 will be the name of this new restaurant because it is in Precinct 10. This will be a political themed restaurant. He was a police officer in Weymouth for 10 years and this will be his 10th restaurant. He would like it to be a seafood restaurant with soups, salads, deli sandwiches, etc. It will not be a sports bar. There will be some soft seating areas with couches and chairs and a wall covered with televisions, bar area, dining area. There will be a 45-50 seat dining bar. There will be a wine wall separating the bar from the dining room. There is nothing like this around the area.

The vacant area 2500 square feet will remain vacant for now and possibly be a function room in the future that will seat about 125. This will be bigger than Stockholder's. He has obtained a liquor license but cannot get it until the location is secure.

RK has two additional parcels that are vacant and have not been able to be developed. Mr. Luongo stated that about 10 years ago the board approved two pads but those permits have expired now. Anything else in the future would need new proposals therefore RK is not over extending themselves.

There signage will go where the Hilltops sign was. They do not plan on coming before the board for any relief on that at this point.

Jonathan Moriarty asked if National Grids easement will affect this. Attorney Galvin said the easement runs along the front of the parking lot near the road and not through it.

There will be no temporary parking spots, limited parking time, or expected mother's parking spaces. Handicap spaces will be provided in the front of the restaurant. They will be set by code. Hours of operation will be from 11:30 AM - 12:30 AM.

The dumpsters will be in the back of the building as it is all commercial.

The applicant is looking for an additional 166 parking spaces.

Staff Comments:

Parking study was reviewed by the traffic engineer and there were no comments.

Bob Luongo stated that the Planning Department supports this project. RK has been a good owner. He supports this restaurant and feels it fits in to this location. Sometimes it is difficult for a restaurant in a strip mall but the applicant feels it can work.

Public Comment:

Councilor Arthur Mathews stated he represents this district. RK went above and beyond many years ago by putting in the traffic signal to help attract more clientele. RK did a good job with the old Honey Ham location that they own. Mr. Hines has had successful restaurants and we should be trying to attract more business like this. He is in support of this project.

Councilor Brian McDonald, supports this project as well. The location is suitable and the parking lot is huge. He runs a first class operation and has long term employees. This will be an anchor tenant and will be able to get more upper scale businesses.

Councilor Jane Hackett supports this variance as well. She has been advocating for adjustments to these parking requirements for a long time. She is pleased to see the strip mall moving forward and upward. Mr. Hines has a proven track record and she urges the board to support this variance.

Andrew Fish, leasing of RK Centers has shopping centers all over New England and is very excited about this partnership. There is ample parking in this center. He has had significant turnover in this location over the past few years. This will be a great anchor and help all the other existing tenants.

Ed Foley said Weymouth needs some new restaurants and he is glad to see it happening. The applicant stated the lease will be for 30 years.

Jonathan Moriarty made a motion to close the public hearing on Case #3285 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve the Variance for parking on Case # 3285 RK Weymouth LLC and Precinct 10 and was seconded by Kemal Denizkurt.

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.

The traffic report that was done by Ron Miller and Associated and confirmed by the Town's Traffic Engineer has given the board the proof they need to grant this variance. Furthermore, the applicant will be submitting the further drawings to staff before they can issue their building permit. The Hours on the liquor license are 11:30-1:00 am.

Trash is already set by RK.

This variance is for 110 parking spaces for the whole parking lot, ADA compliance and any additional proposed use RK would like, they would have to come back before the board.
VOTED UNANIMOUSLY

Other Business:

Bob Luongo said the Mayor would like all major boards televised which means these meeting will be televised in the future. This room will be set up with cameras. McCulloch, Town Council and High School will all have cameras.

Minutes – April 20, 2016

Ed Foley made a motion to approve the minutes of April 20, 2016 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

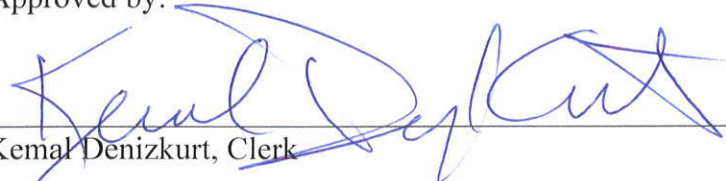
Upcoming Meetings – June 1, 2016, June 22, 2016 and July 27, 2016


ADJOURNMENT

Ed Foley made a motion to adjourn at 9:05 pm and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Respectfully submitted by,
Lee Hultin
Recording Secretary

Approved by:


Kemal Denizkurt, Clerk


Date