

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, May 21, 2014 – 7:00 PM**

Members Present: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Kemal Denizkurt, Clerk
Chuck Golden
Jonathan Moriarty
Brandon Diem, Alternate Member

Also Present: Jim Clarke, Planning Director
Abby McCabe, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

BZA Case #3223 – 726 Main Street – Public Hearing (continued from 4/16/14 & 5/7/14)

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

Special Permit: Extension or change of a nonconforming use or structure (Section 120-40). The structure is nonconforming with respect to the lot area (20,000 SF required, 19,326 SF provided), lot width (75-ft required, 70-ft provided), and frontage (75-ft required, 70-ft provided).

Presently located on the premises is a 2,766 SF three-family residence. The petitioner is proposing to demolish the existing building to construct a new 2,026 SF three-family dwelling and 10 off-street parking spaces in the rear.

Members sitting: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Brandon Diem, Alternate

Appearing before the Board was the applicant James Hession and Attorney Greg Galvin. The applicant has provided an update and is still working on some drainage issues that DPW has raised. The applicant has asked for approval this evening with a condition that these storm water draining issues coming from off-site be resolved.

He has submitted a draft parking easement for 720 Main Street to park on a portion of 726 Main Street. The applicant has provided the parking count at 720 Main Street as requested.

Ms. McCabe stated that the applicant provided a lighting plan, proof of payment for water bills and revised plans. The applicant also met with DPW yesterday on May 20, 2014 and there are a few outstanding comments in the May 21st memorandum provided this evening from the Town Engineer and the Principal Planner.

Jim Clarke stated they are not changing the number of units for what is there today. When the applicant first approached planning staff prior to the Board filing, the town suggested reducing the number of curb cuts on Main Street and put the parking in the rear of the lot with one access point for both sites and the applicant incorporated the suggested changes to the layout. The new plans show the sidewalk being extended out to Main Street.

The Chairman opened the hearing to public comment and there were no comments.

Edward Foley asked where the dumpsters would be and it was stated they will be in the rear of each building and is provided in the plans. Each unit will have a recycle and a trash bin. The applicant stated all water bills are paid up to date.

Attorney Galvin stated that there are three units and they are required to provide for 6 spaces and they are providing for 10 spaces and are not requesting any relief from parking requirements. The easement is on 720 Main Street.

Ed Foley made a motion to close the public hearing on Case # 3223 726 Main Street and was seconded by Jonathan Moriarty. Voted Unanimously.

Based on the following findings of fact, Ed Foley made a motion to approve the application for a Special Permit under section 120-40 and with the following conditions.

Special Permit Findings:

The applicant has met the following conditions under Section 120-22D:

1. That the specific site is an appropriate location for such a use.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The public convenience and welfare will be substantially served.

Conditions:

- That 6 copies (4 full size & 2 reduced size) of the final revised plans be submitted to the Planning Department prior to applying for building permits showing the following revisions from the plan dated May 20, 2014 in addition to all comments in the DPW memo dated 5/21/14:
 - Revise the Water Resources Protection District to be the "*Watershed Protection District*";

- That a plan of land in accordance with 250 CMR Standards showing the corrected lot size be recorded at the Registry of Deeds and proof of recording submitted to the Planning Department;
- That the proposed storm water collection and infiltration system collect the runoff from the upstream lots from 720 Main Street be submitted per Department of Public Works (DPW) memo dated May 21, 2014 be submitted and final approved plans submitted to the Planning & DPW prior to the issuance of any building permits;
- That the proposed access and parking easements be recorded at the Registry of Deeds and proof of recording submitting to the Planning Department.
- No building permit shall be issued until the plan has been recorded in accordance with 250 CMR Standards.
- That the proposed trees in the front yard be planted with at least 3” caliper as shown on the landscape plan.

Jonathan Moriarty seconded the motion and was voted unanimously.

Alternate Board member Brandan Diem left the meeting.

BZA Case # 3230 – 1224 Commercial Street - Public Hearing

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

Special Permit: Multiple dwelling (Section 120-27 C “Special Permit Uses”).

Presently located on the premises is a single-family residence. The petitioner is proposing to remove the existing building to construct nine (9) new residential dwellings and 18 off-street parking spaces.

Members sitting: Richard McLeod, Chairman
 Edward Foley, Vice Chairman
 Chuck Golden
 Jonathan Moriarty
 Kemal Denizkurt

Ed Foley made a motion to open the public hearing on Case #3230, 1224 Commercial Street and was seconded by Jonathan Moriarty. Voted Unanimously.

Ed Foley made a motion to waive the reading of the publication on Case #3230, 1224 Commercial Street and was seconded by Jonathan Moriarty. Voted Unanimously.

Appearing before the Board is the applicant’s attorney Frank Baldisini, 59 Winter Street, Mr. Miller, the applicant, and Shawn Hardy, project engineer.

Mr. Miller is proposing 9 units of residential housing. After receiving comments from the various departments the applicants will be revising their plans and will resubmit them after they listening to the public comments this evening.

Ms. McCabe stated that she has provided a supplemental package to the Board with her memo dated May 21, 2014 summarizing the comments received from various departments. The police noted that the site will be secure due to the location to the Pingree School. Abby requested a landscape plan and cut sheets on the lighting as well.

Jim Clarke stated that the plans were incomplete and the town needs more information. The elevations were difficult to understand particularly the buildings facing commercial street.

The Chairman opened the hearing to public comment.

Public Comments:

Neil Baker, 1210 Commercial Street stated that the density of the project is horrendous. Parking is going to be a problem.

District Three Councilor, Ken DiFazio – submitted a letter on behalf of his constituents, entered as Exhibit #1. This letter was read into the record. The current condition of the premises is appalling. He requested that the Town request that the landowner bring the property up to the standards of the town. The topography of the lot does not lend itself to building three separate buildings on the lot as there is a steep drop off from Commercial Street to Pingree School. He requests that the board scrutinize the acceptability of this special permit application with respect to each of the five criteria laid out within Article XXV, Section 120-122D of the Zoning Ordinances.

Councilor Bob Conlon concurs with Councilor DiFazio. Traffic in the area is very dangerous around the corner and Cottage Street. Its not the right location for 9 residents. He asked the applicant if he owns the property and he stated no, he is looking to purchase the subject property at 1224 Commercial only.

President of East Weymouth Neighborhood Association (EWNA), and Pingree School Council. He read a letter on behalf of the Pingree School Parent Council. They are concerned this construction would disrupt classroom activities. In addition the additional traffic raises some safety concerns for the children. Attached to this letter are 54 signatures from parents of Pingree School. The original was submitted to the Chairman and labeled Exhibit #2, photographs were labeled Exhibit #3 and entered into the record.

Julie Doyle, 38 Danview Drive stated that any development should be consistent with the neighborhood. The two houses next to it are deplorable. The oddfellows are across the street, Jackson Square around the corner. Developers are coming in and taking down one house and building more in the same location. “it seems go big or go home” in Weymouth.

Jessica Baker, 1216 Commercial Street – this project will have significant impact on her property. She would like to see improvements on the property but believes 9 units are excessive. She is ok with a 2 family but would like to see it more respectable. She has two kids and is concerned about her daily living with this development and construction. She has been in an accident there and has witness many accidents at that corner. There are many blind spots on that street already and this would make it worse.

Chairman stated that this hearing will be continued to June 18th. He requested that they owner clean up this property before June 18th.

Jim Clarke noted that he has already notified the Building Department regarding the trash and lot's condition and will follow up on enforcement.

Kemal Denizkurt made a motion to continue this public hearing to the Board's June 18, 2014 meeting and was seconded by Jonathan Moriarty. Voted unanimously.

BZA Case # 3231 – 197 Wessagussett Road - Public Hearing

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

- Variance: Relief of 10.6 from the minimum required front yard setback from Squanto Road (7.4-ft provided, 18-ft required) (Table 1 – Schedule of District Regulations).
- Variance: Relief of 13.9-ft from the minimum required front yard setback from Wessagussett Road (4.1-ft provided, 18-ft required) (Table 1 – Schedule of District Regulations).
- Variance: Relief from the maximum required lot coverage (42% provided, 30% required) (Table 1 – Schedule of District Regulations).

Presently located on the premises is a single-family residence. The petitioner is proposing a porch that will extend into the front yard setback from Wessagussett and Squanto Roads.

Members sitting: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Kemal Denizkurt

Ed Foley made a motion to open the public hearing on Case #3231, 197 Wessagussett Road and was seconded by Jonathan Moriarty. Voted Unanimously.

Ed Foley made a motion to waive the reading of the publication on Case #3231 and was seconded by Jonathan Moriarty. Voted Unanimously.

Appearing before the Board is the applicant Pete and Stacey Lehane. They purchased the house two years ago and they have a view of the ocean and would like to sit on the porch and enjoy it.

It was asked how close to the roadway will the porch be and the applicant stated about 7.5 feet and there is no other area to put the porch due to the shape and size of the lot.

Jonathan Moriarty asked if there is any intent to scaling it down. There is an 8 foot kitty corner and he will reduce it back. Mr. Moriarty has a concern about the line of site when taking the turn. The applicant stated that the property line is so far out that the porch won't block it.

Abby McCabe stated in the supplemental packet distributed this evening includes a comment from the traffic engineer in a memorandum dated May 19, 2014. He stated that the columns supporting the porch must not obstruct corner sight distance.

Jim Clarke stated this will be an open air porch. It will be exposed underneath and have a roof. This should provide site access for vehicles.

Jonathan Moriarty asked if there were any intent to double stack or convert it to living space in the future and the applicant stated no.

Chuck asked how high the porch is off the ground and it was stated 6 feet. Chuck stated if it is open, it provides site for vehicles. He also visited the area and the other houses are worse.

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 # 3231 and was seconded by Jonathan Moriarty. Voted Unanimously.

Ed Foley made a motion to approve the application and plan dated April 8, 2014 and revised on April 19, 2014 for a variance for relief within the front yard setback on both side of the street. Due to the typography of the lot the applicant has shown a hardship.

The following conditions apply:

1. The columns must not obstruct the line of site and remain open, not lattice or fencing.
2. No there will be no second floor, it will not be closed in.
3. The Elm tree shall remain.
4. There will be no runoff into the streets, applicant will use hay bales.

Also, the motion is to include a variance due to the typography of the lot, there is no other area for the deck and is therefore increasing the lot area from 30% to 43%.

The applicant has supplied evidence of other lots that are in the same type of situation as the applicants due to the typography of the lots.

This motion was seconded by Jonathan Moriarty. Voted unanimously.

APPROVAL OF MINUTES – Minutes are forthcoming and were continued to the next meeting on June 4, 2014.

OTHER BUSINESS

Jim Clarke stated the board approved an application at 24 Woodbine in 2012. One of the conditions of approval in the 2012 decision was to install a fence which included the height but not the distance of the fence. He suggested the Board amend the condition to be three feet in height to the front of building and increase to 6 feet that runs to the back.

Ed Foley made a motion to modify the conditions to read from 3 feet along the side of the building and then 6 feet to the rear of the building and was seconded by Johnathan Moriarty. Voted unanimously.

UPCOMING MEETINGS – June 4, 2014, June 18, 2014

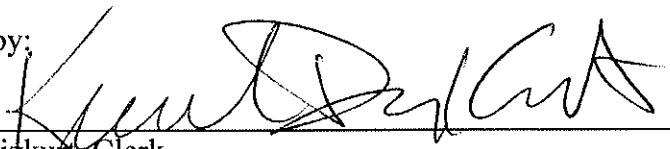
ADJOURNEMENT

Ed Foley Made a motion to adjourn at 8:15 pm and was seconded Chuck Golden. Voted unanimously.

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:



Kemal Denizkurt, Clerk



Date