

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, May 6, 2015**

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

Also Present: Jim Clarke, Director of Planning
Lee Hultin, Recording Secretary

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Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:05 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Old Business

Case # 3250 – 1434 Pleasant Street – Public Hearing postponed from 3/25/15, con’t from 4/15/15) sitting members McLeod, Foley, Denizkurt, Golden, Moriarty

The petitioner, Weymouth Pleasant Realty LLC, for property located at 1434 Pleasant Street, also shown on the Weymouth Town Atlas Sheet 23, Block 304, Lots 14 & 15, located in a B-2 (General Business) and a portion in the Watershed Protection Overlay zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

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

Presently located on the premises is a ~1,993 SF two story building with one commercial unit on the first floor and one residence on the second floor. The petitioner is proposing to remove a portion of the existing building to construct a new 2.5 story building for 12 residential dwelling units and 33 off-street parking spaces. The residence and 600 SF of retail space in the existing building are proposed to remain for a total of 13 residences on the property.

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

Appearing before the Board was Frank Baldasini, Attorney and the applicant Mr. McLaughlin.

There were a number of issues brought up from the last meeting and a few today.

1. Handicap spots – they have been moved and a new plan was submitted.

2. Door opening onto the walkway – the walkway will be extended to four feet instead of 3 feet and wooden bollards that are 42” will separate the walkway from the parking lot.
3. The dumpster turnaround – this has been verified that the space is adequate for a turnaround and it appears this is the best location for it. They propose leaving it where it is.
4. Building height –Mr. Jim Burke stated that the height conforms to the zoning regulations and this is not an issue with the Board.
5. Retaining wall – can it be built or not and the answer is yes, it can be built without going on to the abutters property and they have several option.
6. On parking it is proposed not to construct the parking at the rear of the property, unless the town indicates that they are necessary. This will benefit the abutters as well.

Kemal Denizkurt stated that he still is not happy with parking spaces #10, 29, 30 and 33 as he believes they all do not work. He doesn't believe 12 units will fit into this location. The intensity is still too strong. Jonathan Moriarty agrees. Mr. MacLaughlin stated he has gone from originally 19 units down to 12 units and thought he has reached all the guidelines and made every effort on everything that was proposed to him.

Ed Foley believes this is a huge improvement and does not have a problem with the 12 units and what the applicant has submitted.

Kemal Denizkurt believes there are too many units and too many parking issues.

Mr. McLaughlin stated that he has worked hard with all the Town Departments and the Civic Associations. He thought he had met all the requirements and is disappointed in their comments.

Jonathan Moriarty asked how many parking spaces are eliminated if it is reduced to 10 units and it was stated 4 spaces. He does not like parking space # 29 ,30,33,32,31. He would be more in favor of a plan if it was 10 units with the dumpster in the back. The applicant stated that the abutters do not want it in the back.

Ed Foley stated that he does not have a problem with the 12 units and if there is a problem with the parking then maybe we can straighten that out.

Chairman McLeod believes we have gone to great lengths with this project and would like to move on. The board needs to give the applicant more direction. All board members believe 10 units will work as Mr. McLaughlin does not want to redesign as it is very costly. Four parking spaces will be eliminated and it was suggested to eliminate 10, 29 and 30.

Chuck Golden stated that he is more comfortable with 10 units than 12 units. The 3 spaces in the garage will be needed for the calculations but they may not need to use them.

Parking spaces #10,30,29 and the other 3 will be constructed in the garage but not used unless the town says so.

Lauren Carberry – Shawmut Ave, would like the building size reduced if the applicant is going to redesign it.

Mike Healy, Pleasant Street – asked if there will still be one unit above the retail and it was stated yes.

Dan MacKay, Pleasant Street – asked how many bedrooms are in the units above the store and it was stated 2 bedrooms. He stated there are 3 people living there with 3 vehicles and motorcycles. He does not want to see an apartment building there.

Glenn Fitzsimmons, Shawmut Avenue – Stated that originally it was for the Veterans and now its reduced to apartments, the zoning is by special permit and the master plan calls for 2-3 multi-family units. He believes this building goes against the Master Plan that was produced for the town. He proposes a building along the street with retail on the first floor with units above it and it would be in line with the Master Plan. Zoning is there to protect the neighborhoods from projects like this.

Bob Thomas, Washington Street stated that Section 120-57, Article 21 says if you are abutting an R1 then the height cannot exceed 35 feet. Nine feet are going to need to be removed. The retaining wall has 0 lot line from the Ryder property and he believes he would need an easement from Mr. Ryder.

Ed Foley stated that this building is allowed in a B2 zone with a special permit from the board.

Exhibit #1 – Letter from SITEC

Exhibit #2 – Handout on the Retaining wall

Lauren Carberry-- Shawmut Avenue asked when will this be finalized and it was stated that the public hearings are to hear all concerns. She feels he is reshuffling the plan. Mr. Foley said the applicant has made significant changes to his plans. Lauren is concerned about the size of the building not the number of units.

Bob Thomas asked when the new plans will be available to review the new plans. It was stated as soon as possible it will be made available.

Dan MacKay said he will not take care of his property as it is an eyesore now and has owned it for over a year.

Jim Clarke said he will review all comments and have answers at the next meeting.

Jonathan Moriarty made a motion to continue this public hearing to May 27, 2015 and was seconded by Ed Foley. Voted unanimously

Case # 3252 – 0 Bellgrade St., 0 Edison St., 0 Edge St., 0 Hyde St., and 0 Trefton Ave. – Continued Public Hearing (con’t from 4/15/15) sitting members McLeod, Foley, Denizkurt, Golden, Moriarty

The petitioner, Kenneth C. Ryder, for five properties located at **0 Bellgrade St., 0 Edison St., 0 Edge St., 0 Hyde St., and 0 Trefton Ave.**, also shown on the Weymouth Town Atlas Sheet 13, Block 155, Lots 23, 26 and 28 and Sheet 13, Block 156, Lots 28 and 59, located in a R-1 (Single-Family / Low Density) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Exceptions by Board of Zoning Appeals (Article XV, Section 120-53).

The five parcels are presently undeveloped. The petitioner is proposing to subdivide the land to create 14 buildable lots for single-family homes. Six of the 14 lots are under 25,000 square feet but over the 17,500 square foot minimum allowed by Special Permit under Zoning Ordinance Section 120-53.

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

Appearing before the Board was Attorney Gregory Galvin, 775 Pleasant Street, Weymouth.

Responses have been submitted to the board on their questions.

1. When were the lots joined and are they all in one name - the answer is yes, the Belgrade Nominee Trust since October of 2004.
2. Is there 120 feet from the building line and a document submitted show that the lots all meet the zoning requirements.
3. Conservation questions on the stream being intermittent. This falls under the Conservation Commission and the lot line is well over 200 feet from the stream,

Public Comment:

Joe Scalero, Trefton Ave - this is not flat land as stated and he would like to see the lots stay the way they are (all chopped up).

Matt Tallon, 105 Trefton, President of the Idlewell Association – they reviewed both plan A & B and would like see Plan A remain with all lots 25,000 sq ft or better. They don’t believe it is within the spirit of the new bylaw. He doesn’t believe it sets a good precedent. They are also very concerned about the blasting.

Chairman McLeod said it is not up to the board to say which plan he must use. There is only one plan before the board for approval.

Mr. Galvin stated this plan fits the new bylaw better than any other parcel in Weymouth because they are not increasing the density use. There are going to be 14 lots regardless. The pigtail lots are allowed. The Planning Board has no jurisdiction over the configuration of the lots.

Town Councilor Thomas Lacey said the applicant is leveraging this new bylaw in advance of the Planning Boards meeting. By right he could have the 14 lots. If this is not approved he does not believe the applicant would submit the pigtail lots to the Planning Board but would rather reduce the number of lots to 13. This is because they are not marketable. The spirit of the bylaw was not to have pigtail lots to get an extra lot squeezed in. He asks the board to reject this application.

Attorney Galvin stated that the Planning Board has approved pigtail lots before and he believes the applicant will go forward this plan to the Planning board to get 14 lots.

Chairman McLeod asked if the applicant would consider working with the Councilors and the residents and consider reducing the project to 13 lots. Attorney Galvin cannot answer for the applicant.

TJ Lacey believes this step is before where they should be. If this is approved it allows the number of lots to be finalized. Ken Ryder met with the neighbors but there was not a Plan A & Plan B provided.

Councilor Ken DiFazio asked if they should be setting a precedent with this. The applicant doesn't even need a special permit to do what he wants to do on this land, so why is the board reviewing it.

Ed Foley said he has the right to come before us and we have a right to say no. He believes the board doesn't have to give this special permit just let the applicant go before the Planning Board. He agrees with both councilors. Ryder is going to build it anyway. We have an opportunity to set a precedent and we should do that.

Chuck Golden believes this meets the spirit of the bylaw. We are absolutely setting a precedent on this application no matter how we vote on this.

McLeod said they never thought they would have someone come before them that already has the requirements of 25,000 sq feet. If they have the 25,000 square feet that we would like to see in Weymouth then we should say use it!

Kemal Denizkurt asked how wide the pigtails were and it was stated about 5 feet each.

Jonathan Moriarty believes they should go to Planning Board with the 25,000 square feet as well.

Bob Thomas, Washington Street – stated that he believes Mr. Ryder is just trying to make the neighborhood a little nicer.

Thomas Eldridge, 60 Naraganset Avenue – if it were 12 lots with no pork chops then this would not be an issue, but he wants 14 lots and that is his choice to have the lots shaped like this. He does not need a special permit but the applicant wants 14 lots and this is his way of doing it. Mr. Ryder never presented plan A & B to the neighbors. Tom doesn't believe the applicant satisfies the 5 criteria of a special permit. He wants the permit denied and feels he should use his by right option of the 14 lots with pigtails.

Regina Cohane, 46 Naraganset Avenue – If the applicant doesn't need to be here then why is he here if he doesn't have to do this. The majority of their issues are with Planning.

Ed Foley made a motion to close the public hearing at 9:15 pm and was seconded by Jonathan Moriarty. Voted unanimously

Ed Foley made a motion to take this matter under consideration and was seconded by Jonathan Moriarty. Voted unanimously

Review of Minutes – March 25, 2015

Other Business:

Appeal of BZA Case #3248, 75 Finnell Drive – Special Permit/Variance Decision

Jim stated that this was appealed by Metri and then Weymouth Club and Metri met and have worked out the details of a compromise. The agreement has been filed with the Court.

Upcoming Meetings – May 27, 2015, June 17, 2015, July 8, 2015, August 5, 2015

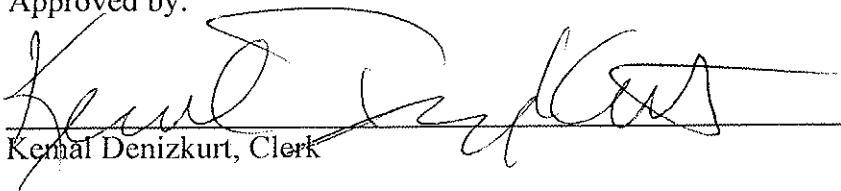
ADJOURNMENT

Chuck Golden made a motion to adjourn at 9:20 pm and was seconded by Jonathan Moriarty. Voted unanimously

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:


Kemal Deniz Kurt, Clerk

5-27-15
Date