

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

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

Members Absent: Richard McLeod, Chairman

Also Present: Abby McCabe,
Lee Hultin, Recording Secretary

Vice Chairman Foley called the Board of Zoning Appeals meeting to order at 7:15 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)

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: Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Brandon Diem, Alternate
Richard McLeod (absent on 5/7/14)

Due to the lack of the full Board members, the applicant, Mr. James Hession, has requested a continuance to the next meeting on May 21, 2014 to allow all Board members to be present for the hearing.

Jonathan Moriarty made a motion to continue the public hearing on case #3223, 726 Main Street to the next meeting on May 21, 2014 and was seconded by Chuck Golden. Voted Unanimously.

Case #3227 – 1434 Pleasant 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 Use”).
Variance: Relief of nine (9) parking spaces from the minimum required off-street parking spaces (44 spaces required, 35 spaces proposed) (Section 120-74).

Presently located on the premises is a 2,000 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 18 residential dwelling units and 35 off-street parking spaces. The residence and the commercial space in the existing building are proposed to remain.

Members sitting: Edward Foley, Vice Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brandon Diem, Alternate Member

Kemal Denizkurt made a motion to open the public hearing on Case #3227, 1434 Pleasant Street, and was seconded by Johnathan Moriarty. Voted Unanimously.

Kemal Denizkurt made a motion to waive the reading of the published legal notice on Case #3227, 1434 Pleasant Street and was seconded by Johnathan Moriarty. Voted unanimously.

Appearing before the Board was the applicant Mr. Joseph McClaughlin and his Attorney, David Kelly of 45 Braintree Hill Office, Suite 302, Braintree, Ma. Also in attendance was James Burke-Civil Engineer, Arthur Choo – Choo & Company, Daniel Dulaski-Traffic Engineer and Mark Kopchell - MKA Landscape Architects.

Mr. Burke stated the proposal for multi-family requires a special permit within the B-2 Zone and a variance request for Section 120-74 for relief from the minimum required parking spaces.

The proposal includes demolishing the rear portion of the building and creating a mixed use building. It consists of 1,200 square feet of retail space on the first floor and residential units on the second floor. This is not located within the overlay district but the applicant has incorporated some of the design concepts into the development. It is consistent with the village center overlay district and design guidelines for the village center. These units are considered micro units and was compared to a project on Commercial Street that was previously approved (decision attached to the application).

Mr. McLaughlin has over 30 years of experience. He built a similar project in Hull with 16 micro units and one in Quincy with 17 micro units. Mr. McLaughlin is working with Veteran's Affairs to place Veteran's in these units.

Exhibit #1 – A letter of Support from the Department of Veteran’s Affairs was presented to the committee members.

Special Permits shared parking rule was read into the record by the Attorney.

Exhibit #2 – Boston Globe Newspaper Article was presented to the committee members.

Mr. James Burke reviewed the land survey with the committee. The building will be serviced by public water and sewer. They will construct a 3,700 square foot building behind the existing building. The building will be sprinkled. These units are all single units. These tenants usually use public transportation and do not own a vehicle. The applicant is planning on charging ~\$950 a month plus utilities.

Arthur Choo – Architect appeared before the Board to discuss the floor plan. He stated that each unit is 25.8 x 12.9 and is a 302 square foot studio. They used the pitch roof for the attic for more room with skylights. The floor area ratio is .30. There are 9 units on the first floor and each unit has a basement. There are 9 units on the second floor and each of those units have an attic. There is a stairway in each unit going either into the basement or into the attic. This is an exact replication of the Agniti Building on Broad Street.

Kemal Denizkurt is concerned that people will be sleeping in the basement and the attic. The applicant stated that they will be signing a lease that will stipulate that the living quarters are on the main floors. There are no doors into the attics or the basements.

The applicant stated that this is a replica of 1580 Commercial Street in Weymouth that has the exact same building already in Weymouth and that is what they designed it after.

There is a concern that these look like a motel. The Board is also concerned that there will be more than one person living in each unit, perhaps in the attic or the basement.

Kemal Denizkurt asked if the units in Hull and Quincy are the exact same and it was stated no. The buildings at 35, 37, 39 Bay, Hull was a renovation of an existing building and the project located at the corner of Temple and Washington Street in Quincy is also a renovation of an existing building.

Daniel Dulaski, registered civil engineer stated that he looked at the peak hours for traffic at 7-9 am these 18 units have the potential of adding 13 new vehicle trips and from 2-4pm these 18 units have the potential of adding 28 new vehicle trips. This is 233 additional trips over a 24 hour period for the 18 units.

There will be a management company in charge of the facility and the plan for snow removal will be to truck the snow off site. Vice chairman Foley asked them to supply a plan of how they will dispose of the snow.

Kemal Denizkurt would like the applicant to review all the questions that the department heads have supplied as there are many of them. The applicant stated that he will work with the town to resolve any issues/questions they may have.

Mark Kopchell, MKA Landscape Architects. The landscaping plan was reviewed with the committee. There is exterior lighting off the buildings that supplement the lighting in the parking lot. Cut sheets will be provided to the Board.

The applicant has met with Councilor Ken DiFazio and the East Weymouth Neighborhood Association (EWNA) and will be making some changes to the landscape plan to incorporate their comments.

Vice Chairman Foley asked for the building materials, landscaping plan, water and sewer plan and a snow removal plan.

Ms. McCabe stated that the application was distributed to the relevant town departments and almost all submitted comments on this application. Additionally, three letters from residents that were concerned about the impacts to the school systems and Abby stated that the school department also submitted comments stating that they were not concerned with this as these type of units do not generally have school age children in them.

Vice Chairman Foley opened the hearing up to public comments.

Public Comment:

Councilor Ken DiFazio said he supplied a letter to the Board that the EWNA endorses. Most residents are happy with the mixed use but have two concerns.

1. The size of the building seems too large for the lot.
2. Landscaping was not included and the line along Pleasant Street has a very small space due to parking and the residents would like to see shrubs there to hide the vehicles.

Councilor Ken DiFazio read a letter into the record from the President of the EWNA. Mr. DiFazio was generally concerned with the overall size of the project and lack of proposed landscaping. He believes that there is no overnight parking in municipal parking lots and has requested that the Board look into this. His final comment is that snow removal is a huge issue in Weymouth. This project abuts a single-family residential area.

Dan McKay, 1423 Pleasant Street, lives directly across the street. If there are 19 units and if there are 2 people per unit that would equal 38 additional cars. The traffic impacts on the residents is a big concern. It's not comparable to the village concept and believes it doesn't fit in. There are plenty of Veteran's who have cars. This sounds like a boarding house to him.

Rosella Chicesse, Board of EWNA. A traffic report was done, but not a traffic study and was concerned with residents turning left out of the site. These apartments are not encouraging families, only single people which is not in conjunction with the neighborhood. Is there a resident maintenance person living in the building? She doesn't believe that "professionals" will

be living in Jackson Square it is not downtown Boston and there is no night life and if they are professionals, they will have vehicles. If lighting is put in, it should be consistent with lower Jackson Square lights. She is opposed to this project.

Stephanie Fox, owner of Styles by Stefanie, purchased her nearby building 4 years ago and it is a historical building. East Weymouth Congregational School and all the hair salons already create an enormous amount of traffic. The municipal lot is already at maximum capacity. The Clapp Building is only two blocks up. Next to it is the library and the teen center. She is opposed to this project.

Vice Chairman Foley agrees that Pleasant Street and Broad Street is a very busy intersection. A traffic impact study was done but the Board will request that the Town's Traffic Engineer look at this intersection.

A disabled Veteran who lives in one of the units in Hull spoke in favor of these units. He stated that there are not that many cars at the Hull units. There are a lot of veterans without vehicles. The applicant keeps his buildings clean, safe and he treats the tenants very good.

Ed Foley believes it is admirable to take care of our Veteran's but he has serious questions about the size of the building. He is not against the project.

Pat O'Leary, 999 Commercial Street and Vice President of EWNA, asked what is our experience with the Agniti project down the street? Maybe we could live with it if it was reduced to 14 or 16 unit.

The applicant said over 50% of the population lives alone. There is a huge need for a place like this.

Mr. Simmons, 10 Shawmut Avenue, abuts the property of the municipal lot and people use this lot as a cut through. Are these 233 trips on Pleasant Street or in the municipal lot? Snow removal in the neighborhood is a huge issue because the streets are so narrow and there are no sidewalks. What are the conditions of the buildings in Quincy and Hull right now and when were they built. He would like to see how well they are maintained. He is worried about the value of his home decreasing. Have we built one in the applicant's home town if they are so good for the community?

Mary Heinrichs, Executive Director of WETC, which is located in the basement of the Pratt Library next to the proposed project site. They have invested over \$400,000 of Comcast cable subscriber's money. The teen center is very active. The library has a lot of seniors that come there and there is limited parking. Mary was part of the committee working on the Master Plan and she is in favor of compatible mixed use such as an apartment over a business but does not feel the proposal is what the master planning committee had in mind. There is no place for these tenants to go food shopping unless they have a car. The building is not colonial style and is too big and not compatible to the surrounding buildings in terms of scale or design. The original building that is staying is in line with the colonial village concept.

The applicant stated that he is willing work with the Library Director and the Town to coordinate parking and possibly landscaping on the adjacent property. Also, the residents at this site will have a decal parking system.

Mike Heally, 1419 Pleasant Street, stated that he does home inspections and the attic space has skylights and the basements have windows. He has been in many “unapproved living spaces”.

Debbie Sullivan, Shawmut Avenue, would like to know what they are doing for the grading because she already gets water in her basements. Where will the water go? Into the municipal lot or at her building? Is the building guttered? Debbie said there is one drain in the municipal lot that is already caving in and it can’t handle the rain as it is.

The applicant’s engineer responded that the majority of the parcel that is paved will flow into the drainage in their parking lot, not in the municipal lot. There is also an overflow that connects to the drain on Pleasant Street. The second overflow connects to the municipal drainage in the lot.

Dan McKay stated that there are 19 units and he believes they need to plan for the worst case scenario, what if there are 19 couples moving in, there will not be enough parking spaces.

Ken DiFazio asked the Board to consider having the applicant upgrade the drain in the parking lot and add amenities to the municipal lot itself. Ken will supply a list of items to the Board that he feels should be upgraded in the municipal lot and other off-site improvements that should be considered by the Board.

Vice Chairman Foley asked the applicant to consider looking at the overall size of the building, the amount of the units and the reducing the parking relief being requested.

Jonathan Moriarty made a motion, seconded by Chuck Golden to continue the public hearing on Case # 3227 to June 18, 2014 at 7:00 pm.

Vice Chairman Foley reminded everyone that there will be no additional notices mailed for the continued hearing. The hearing on June 18 will be in this room at 7:00 pm.

Case #3228 – 1072 Washington Street – Public Hearing

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

Special Permit: Trade, professional or other for-profit school (Section 120-22.8 “Special Permit Uses”).

Presently located on the premises is a ~3,592 SF building with three commercial units on the first floor and two residences on the second floor. The petitioner is proposing a martial arts studio to be located in the first floor rear ~1,800 SF space.

Members sitting: Edward Foley, Vice Chairman
Kemal Denizkurt

Chuck Golden
Jonathan Moriarty
Brandon Diem, Alternate Member

Kemal Denizkurt made a motion to open the public hearing 1072 Washington Street, Case #3228 and was seconded by Johnathan Moriarty. Voted Unanimously.

Kemal Denizkurt made a motion to waive the reading of the published legal notice on 1072 Washington Street, Case #3228 and was seconded by Johnathan Moriarty. Voted unanimously.

Appearing before the Board was Alan Slavin of 151 Hickory Drive, Raynham- Jennifer Eagan, 30 Madison Street #4, Weymouth and Jeremy Mazzola of 354 Broad Street, Weymouth.

The applicant would like to open a martial arts training and wellness center with one on one training, martial arts, yoga and physical fitness. This center will be used by children, teens, young adults and middle aged groups.

The hours of operation are proposed from 9:00 am to 8:30 pm. There will be lessons and group practices. The proposed parking is adequate for their needs. All clients will be informed of where to park and that there will be no drop offs.

Mr. Kelcourse, owner of the building was present and he stated that the units are all built to code. The air systems are all independent.

The health department's comments were since this is a multi-use building, indoor air quality is a concern and should be considered.

The Boards concerns are:

- No drop off on Washington Street
- 3 parking spaces labeled temporary drop off
- 3 parking spaces labeled residential parking
- Signage out front "no drop off"

Mr. Kelcourse stated that he has 25 parking spaces available. Ms. McCabe agrees with this comment, but some are difficult to get into.

Ms. McCabe reviewed a memo from Owen McDonald regarding the parking spaces. His requirement for the building was 22 parking spaces.

Kathryn Clancy, 19 Pine Cliff Road is an abutter. She would like a fence put up because she has two dogs with an electric fence but is concerned that children will want to touch the dogs and they may get shocked. She would like some privacy and peace of mind that kids won't come into her yard.

Mr. Kelcourse stated that he already has a 6 foot chain link fence up and would like to use the same type of fence. This will extend from the existing fence down to the back left hand corner of the parking lot. Kathryn Clancy agreed with this.

Mr. Kelcourse stated that he has another 900 square foot lot and he is looking for a tenant. Once it is filled, will he have enough parking for both down the road. Ms. McCabe stated that the space was already permitted for retail use which gives him the maximum amount of parking spaces.

Ms. McCabe stated that the original conditions from the 2012 special permit are still in place but also suggested adding the condition from the 2012 approval with regards to a review by the Town's traffic engineer if problems arise.

Kemal Denizkurt made a motion to close the public hearing on Case # 3228 and was seconded by Chuck Golden. Voted Unanimously,

Based on the following special permit findings, Kemal Denizkurt made a motion to approve the application for a special permit under section 120-22D with the following conditions of approval. The motion was seconded by Jonathan Moriarty and unanimously voted.

Special Permit Findings:

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:

1. That a chain link fence be installed along the westerly side of the property from the paved parking lot to the existing fence.
2. That signage directing people to the rear for the studio be installed at the front of the site near the entrance {directional signage}.
3. That the 6 parking spaces adjacent to the single-story building be signed; 3 parking spaces in front of the studio be designated for drop-off and 3 spaces in the rear facing the building be designated and identified as residence parking.
4. That the hours of operation be as listed in the application.
5. That there be no drop off of patrons on Washington Street.
6. The applicant provide drop-off instructions to customers directing them to pull into the designated parking spaces in the rear of the site to prevent traffic back up on Washington Street.
7. The last condition from the 2012 Special Permit regarding the Town's Engineering reviewing and making recommendations be required if traffic and parking issues arise.

APPROVAL OF MINUTES

A motion was made by Johnathan Moriarty to approve the minutes of April 17, 2014 as written and the motion was seconded by Kemal Denizkurt. Voted unanimously

OTHER BUSINESS – There was no other business.

UPCOMING MEETINGS

May 21, 2014, June 4, 2014 and June 18, 2014

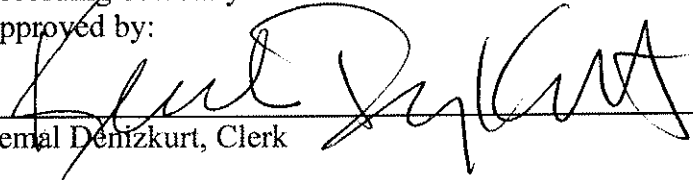
ADJOURNMENT

Kemal Denizkurt made a motion to adjourn at 10:34 pm and was seconded Johnathan Moriarty. Voted unanimously

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:



Kemal Denizkurt, Clerk



Date