

**BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, June 1, 2016**

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

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

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:05 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, 5/11/2016 - 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
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Ed Foley

Appearing before the board was the applicant Charles Cocce. This includes 2 studios and 3 (1) bedroom apartments. His only option is to add up. He will add a full house sprinkler system to make it safer as it was built in the 1800's. The applicant had a plot plan engineered which allows to pave over existing lawn if the turnaround is needed. He would like to keep as much green area as possible.

Eric said that a neighbor came into the office today and had a question about the paving and wanted to know if there was a trigger point in which increasing impervious would trigger an additional site plan review. Eric reviewed it and said this amount of impervious would not trigger an additional site plan review.

Public Comment:

Richard DeLuca, 85 Washington Street, owns the Liberty Travel Building and 71 Pond Street – He does not feel this proposal would be detrimental to the neighborhood and is in support of it.

Ed Foley said he is concerned about setting a precedence with the floor/area ratio. He really wished the applicant would consider a two bedroom. He also expressed concerns with parking spaces 9 and 10.

Jonathan and Kemal asked what the hardship was. They do not see it here. Jonathan said he heard from the applicant that he needs this addition to make more money otherwise he can't afford it and Jonathan does not believe not making enough money is a hardship.

The applicant said he has heard that his neighbors have done it because years ago it was allowed. He would prefer to keep the top floor as a 1 bedroom or a studio. The building inspector has said he could put a one bedroom unit on the second floor apartment but he prefers a studio instead.

As a matter of right he could put a second bedroom in the top unit to expand another unit but he would prefer not to do that. The applicant likes one bedroom or studio apartments.

Ed Foley said the board looks at each case individually but considers the impacts down the road.

The applicant said it is less expensive for him to do it the other way which he has a right without a variance, but he is willing to sprinkler the entire house to build it this way.

Back in the early to mid 1970's there were a lot of multi-family units approved by the town.

Chairman McLeod said what is unique about this is that we are asking the applicant to sprinkler the entire house to make it safer for the residence and that is expensive.

Kemal said he struggles with the fact that we are trading off a variance for additional public safety.

Chairman McLeod said it is not a very big addition. He could go either way. No matter what he will be adding an additional person to the building.

Chuck said he is creating the hardship himself by putting in the sprinkler system. He has a problem with setting a precedence. He has a compromise available by adding another bedroom.

Jonathan asked how much has the house been updated with modern materials over the years? The applicant stated that each time a unit has become available he has painted the walls, updated

plumbing fixtures, replaced the flooring and in some cases installed new kitchens. He would like to renovate bathrooms going forward.

Chairman McLeod explained the procedure to the applicant that it does not appear he will get the support of the board on this and if the applicant wishes, he could withdraw without prejudice or continue forward with a vote. The applicant stated he would like to continue forward with a vote.

Jonathan asked since 1800 has the insulation been changed to modern insulation, new sheetrock etc. The applicant stated that in some cases he has resheeted but not throughout the building. The gentleman that owned the building prior to him had it for 25 years. Electricity has been updated and is more modern as well as having vinyl siding.

Ed Foley made a motion to close the public hearing and was seconded by Kemal Denizkurt.
VOTED UNANIMOUSLY

Ed Foley made a motion to deny this application on Case # 3276 as he does not believe there is sufficient hardship to grant this variance and was seconded by Jonathan Moriarty.
Voted 4-1 (McLeod – opposed) Motion passes.

New Business:

Case #3286 – The petitioner, Anthony Nota, for property located at **138 Bridge Street**, also shown on the Weymouth Town Atlas sheet 6, block 62, lot 13, located in an B-2 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 or structure

Presently located on the property is an existing ~58 SF pylon sign. The petitioner is proposing to change the face of the existing sign with the names of the new tenants.

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

Ed Foley made a motion to open the public hearing on Case # 3286 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3286 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Appearing before the board was the applicant Anthony Nota. He has owned the company for about 10 years. After the fire 2 years ago they rebuilt the building and the sign was not damaged but it is about 20 years old and he would like to update it.

He would like to keep the same size but have a new box built with dividers to change the name of the four tenants individually instead of having to change the entire face of the sign every time there is a new tenant.

He has a temporary permit to change the face of the sign which is what he has done.

Ed Foley asked him if he changed the sign already and the applicant said yes, he received a permit from the Commissioner to change the face of it. Ed said because it is a nonconforming use, he would like to see him stay with what is there. The 58 square feet will not change but he would like the face to stay the same and not have the new sliders individually.

There are no staff comments.

Public Comments:

Becky Haugh, District 1 Town Councilor – according to our zoning, adult store signs should be 50 feet from a public way. Has this board approved the sign in the prior years. Amazing opened in 1995 and the new zoning on adult stores was passed in May of 1995.

The sign has been permitted there for 20 years.

Ed Foley said, now that the zoning has changed, is the sign grandfathered in. Signage for adult entertainment should be 50 feet away from a public way. Ed would like to have staff review this to let the board know if we have the authority to grant this application.

Eric Schneider will check with the town's attorney to see if the sign needs to be 50 feet from the road.

Becky said it is a beautiful building and they have been great neighbors. She represents the residents and wants to see if the sign could be moved back.

Meagan Wood, works for the company and asked where the problem for the permit lies? Ed Foley said back in 1995 the town changed the zoning that said any adult store sign has to be back 50 feet from the road. Ed wants to know if it affects the board in granting a special permit for a nonconforming use.

Ed Foley made a motion to continue the public hearing to June 22, 2016 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

Jonathan said he would not be here on June 22, 2016.

Case #3287 – The petitioners, Nima Yadollahpour for property located at **49 Keith Street** shown on the Weymouth Town Atlas sheet 20, block 204, lot 8, located in the R-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 or structure

Presently located on a ~6819 SF lot is an existing single family dwelling. The petitioner seeks to construct a ~845 SF two-story addition with a full basement.

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

Ed Foley made a motion to open the public hearing on Case #3287 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3287 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the board was the applicant Nima Yadollahpour. He and his wife purchased this house in 2004. He has been improving the house ever since and has also had two children. The house is getting cramped and he has been debating should they move or add on. They would like to stay in this house as they have great neighbors. He would like to extend off the back.

Ed asked if he considered the addition on the driveway side. The applicant said that would create a hardship for him and it would break up the yard and loose the driveway. He would have also need a variance if he put it there.

Kemal asked if he talked to the neighbors and he said yes and they have all been supported. All abutters have been notified.

Eric said there were no staff comments received .

Public Comments:

Mary Quinn, 39 Keith Street, she has been there for 30 years and she said they are wonderful neighbors. They keep the grounds very neat.

Kayala Kamahebra, 53 Keith Street – they are wonderful neighbors and supports this project as well.

Ed Foley made a motion to close the public hearing on Case #3287 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Ed Foley made a motion to approve the application for a Special Permit on Case#3287 and was seconded by Jonathan Moriarty.
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. **The applicant would need a variance for another location. He will be decreasing the nonconforming use.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The applicant will keep the building material the same and keep the height at 24 feet all the way along.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **The Building Department will make sure the permits are given for sewer and water.**
5. That the public convenience and welfare will be substantially served with the proposal. **The town of Weymouth will gain new tax revenue and the property will be improved.**

3. Case #3290 – The petitioners, John & Kathleen Conway, for property located at **9 Oliver Road**, also shown on the Weymouth Town Atlas sheet 30, block 386, lot 15, located in the R-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 or structure

Presently located on a ~4249 SF lot is an existing uninhabitable dwelling and shed. The petitioner seeks to demolish the two existing structures and construct a new single family dwelling on the existing foundation and replace the shed.

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

Ed Foley made a motion to open the public hearing on Case # 3290 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3290 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Appearing before the board was the applicant John and Kathleen Conway. They purchased this lot from the town of Weymouth at auction and are looking to build a new house on the existing footprint. The foundation has cracks and may need to be replaced. They are planning on a modular home for that site.

The applicant will be going before the Conservation Commission next week. They have been working with the town for a year now.

They want to move from the cape to weymouth as their neighbors are their relatives. This will improve the neighborhood.

Eric stated that there were no staff comments.

Public Comments:

Arthur Mathews, District 4 Town Council – the house has been vacant for 20 years, it is a blight! The town took it over through tax title and the Conways bought it through town auction. They plan on building a new house. He is in support of this application.

55 Sevor Road supports it and can't wait for it to be rebuilt.

Chuck Golden said he visited the site and a neighbor said it was a drug house.

5 Oliver Road, he does not have any issues with the rebuilding but would like to have the land surveyed because he does not have any idea where his property line is. The applicant said they surveyed their property and will give them the name of the person they used because that way it is already half done as he abutts them.

Because it is a private property, the town provided him with a list of local surveyors but the surveyors ran into a problem and need the assistance of the town engineer. Eric will get him in touch with the Town Engineer.

Ed Foley made a motion to close the public hearing on Case #3290 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Ed Foley made a motion to approve the application for a special permit on Case #3290 and was seconded by Jonathan Moriarty.
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. **The applicant is staying within the foot print.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The District Councilors and neighbors supports this.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **It will eliminate a hazard.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Building Department will issue all proper permits.**
5. That the public convenience and welfare will be substantially served with the proposal. **Rectifying a severe problem with the property.**

Condition:

1. Approved upon the approval the Conservation Commission.

Other Business:

Minutes –May 11, 2016

Ed Foley made a motion to approve the minutes as amended of May 11, 2016 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

Upcoming Meetings – June 22, 2016, July 27, 2016, August 24, 2016


ADJOURNMENT

Ed Foley made a motion to adjourn at 8:25 pm and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:


Kemal Deniz Kurt, Clerk

 Date

6/22/16