

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, July 26, 2017

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty (7:20)
Ed Foley
Brad Diem

Also Present: Robert Luongo, Planning Director
Eric Schneider, Principal Planner
Janet Murray, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

New Business:

1. **Case #3336** - The petitioner, Danny Morris, Extra Space Storage, for property located at **1256 Washington Street**, also shown on the Weymouth Town Atlas sheet 35, block 407, lot 33, located in an B-1 and R-3 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-40 alteration, or change of a pre-existing nonconforming structure

Presently located on the lot is a three-story, ~30,300 SF self-storage facility. The petitioner seeks to construct two (2) three-story additions on the north side and southwest corner of the building, totaling ~22,300 SF of additional area to the existing building.

Mr. Foley made a motion to re-open the public hearing on Case #3336 and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Mr. Luke Distefano, Bohler Engineering and Ted Cassander, architect, appeared before the board.

Mr. Distefano stated that the proposed addition will not increase the amount of impervious cover on the lot. He noted that there are two parts to the proposal which will add 22,000 square feet. Additional parking will also be created. There are currently 39 spaces which will be increased to 83. They will be located on the north side of the building within a fenced area

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This proposal would make Improvements to storm water management. He noted that the Plymouth River is to the east. He further noted that the applicant has appeared before the Conservation Commission and a vote is expected at the next meeting

Mr. Distefano noted that drainage basins that currently discharge into the wetland will be plugged. Also, drainage swales will be stabilized and returned to a functioning capacity. Modifications to landscaping will be made as this has been a noted concern; the applicant has agreed to place additional plantings to enhance streetscape

Mr. Cassander stated that the proposed addition will add 322 storage units with 22 outdoor access units; the office space will be increased from 900 to 1200 square feet

Mr. Denizkurt stated that he does not find the exterior steel corrugated doors attractive; it is a different, industrial look, more like garage doors.

Mr. Cassander stated that the exterior access units are much larger, between 10x30 and 10x25 square feet.

He stated that Extra Space storage does not allow the storage of motor vehicles. Tenants are required to have Insurance which precludes storage of motor vehicles.

A manager is on-site during business hours.

Mr. McLeod expressed concern regard the street level access which can be accessed outside of business hours.

Mr. Foley asked if the gate is closed and locked when the building is closed.

Mr. Cassander did not know if the gate is closed/locked at night

Mr. Foley asked if there are "No trespassing" signs, which was part of the initial special permit.

Mr. Cassander did not know if there were "No trespassing" signs.

Mr. Diem expressed similar concerns as his colleagues.

Mr. McLeod asked what are the hours of business.

Mr. Cassander stated that he is the architect hired by Extra Space. He stated that when he was on site the hours were approximately 9am to 6pm or 7pm.

Mr. McLeod asked if the renters of the new units would have 24/7 access to units.

Mr. Cassander did not know the answer.

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Mr. Foley pointed out that the original Special Permit does not allow access to the property or parking areas between the hours of 7pm and 7am.

Mr. McLeod stated that the plans do not show gates.

Mr. Luongo noted that the plans show a chain link fence.

Mr. Denizkurt stated that he is concerned about possible vehicle storage, the matter of access to the units after hours, and the overall design of the building

Mr. McLeod asked if cars, boats, and/or recreational vehicles would be stored in the proposed fenced-in area.

Mr. Distefano stated that he would get this information from the applicant.

Mr. Luongo expressed concern that there is not a representative from Extra Space Storage.

Mr. Luongo reviewed design issues. He questioned if the signage calculations have been completed; will the free-standing sign remain and what size will it be.

Mr. Luongo stated that the town has encourage an industrial look but not garage doors. He added that the landscape is a mess and should be torn up and replaced. If a fence is added it should be decorative not chain link.

Mr. Luongo stated that the plans were not reviewed with the idea of outdoor storage. Outdoor storage is not allowed.

Mr. Luongo stated that the northwest façade looks fine but the south west elevation needs more panel treatment rather than plain block wall.

Mr. Luongo questioned the lighting wall packs.

Mr. Distefano stated that the wall packs will point down.

Mr. Luongo stated that this application has significant open issues: signage, fencing, and landscaping.

Mr. Mr. McLeod stated that Linda Doherty submitted a letter, marked Exhibit #1, for the record.

Mr. McLeod asked if there was anyone present who would like to speak. There was the following response.

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Chris Parmeano stated that Mr. Luongo touched on the majority of his concerns. He stated that the garage door look is not appealing.

Mr. Parmeano asked if there has been a traffic study or if any mitigation will be provided.

Mr. McLeod informed those present that since there are many open questions, he will entertain a motion to continue.

Mr. Foley stated that the swales should be cleaned up now, as they should already be maintained.

Mr. Foley asked for a larger print version of the lighting plans as well as a cut sheet for the lights. He also requested additional information regarding hours of operation, whether there is access to units between 7pm and 7am, are the gates closed and are there "no trespassing" signs.

Mr. Foley made a motion to CONTINUE the public hearing for Case #3336 until September 6, 2017 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

2. Case #3337 - The petitioner, RMLE Realty LLC, for property located at **165 Washington Street**, also shown on the Weymouth Town Atlas sheet 20, block 276, lot 35, located in the B-2 and the Village Overlay Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-25.9 Parking Requirements dictated in 120-25.7

Presently located on the lot is a two-story vacant single family home. The petitioner seeks to construct a 4-story building with 12 one bedroom apartments.

Mr. Foley made a motion to open the public hearing on Case #3337 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Raymond Jennings, lawyer for the petitioner, stated that Metri Metri, manager and petitioner, RML, LLC, was present with him this evening. Also present were Michael Schilling, project engineering, and Wally MacKinnon of Walter A. MacKinnon Associates, and Dan Mills, traffic engineer.

Mr. Jennings stated that the 3-family (notice incorrectly stated that it was a single family) building on the property is currently unoccupied in anticipation of redevelopment. The property is in the B-2 Village Overlay District. The proposed 4-story building would have 12 single-bedroom units. The design is similar to the

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recently approved project at 143-145 Washington Street. He noted that retail was not incorporated into the plan due to parking needs.

Mr. Jennings noted that as part of the project, improved public access to Weston Park will be created.

Mr. Jennings stated that there are ten (10) parking spaces of structured parking and seven (7) open air spaces. The requirement is 18 spaces based on 1.5 per unit. The application is one (1) spot short. He pointed out that there is available on-street as allowed by the regulations.

The first level of the structure will be for parking. It will be screened with tinted windows. The outside parking will be to the left and rear of the building

Mr. Jennings noted that construction staging should all be on-site during normal times as noted in the town's regulations.

The dumpster will be fenced in and will be emptied two (2) times per week due to size of lot.

He noted that rent for the units would be \$1650 per month but that is also subject to the market.

The design does not call for balconies but there is a faux balcony for plantings that are not accessible by tenants.

Mr. McLeod asked about the parking behind the windows.

Mr. Luongo stated that initially the applicant was exploring a shared parking agreement with the town to utilize some of the parking proposed for the new library during off-hours. This would require the town's permission and not enough detail is currently known about the final library design to grant permission at this time. Without the shared parking, the retail space is not a viable at this time.

Mr. Jennings stated that the building is designed in a way that could permit retail in the future but the applicant would have to come before the board for additional approvals.

Mr. Denizkurt noted that the back of the building is not shown on the plans. He asked what it will look like.

Mr. Jennings stated that it will be the same as the front of the building.

Mr. Denizkurt asked for specifics of what the guard rail will look like.

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Mr. Luongo stated that the Planning Department is suggesting low landscaping to hide cars rather than a high fence. He suggested that the guard rail be wood.

Mr. Jennings stated that this is certainly an issue open to discussion and condition of the town.

Mr. Denizkurt noted that the new pathway will need lighting. He suggested that the style of light posts be similar to what is already in the Landing.

Mr. Schilling stated that the glass on the first floor will be tinted so that people will not be able to see in.

Mr. Foley noted that the plans state that the “guard rail proposed is to be designed by others.”

Mr. Schilling stated that the guard rail would be wooden.

Mr. Foley asked about the architectural materials.

Mr. Schilling stated that it would be alucobond panel and the stone is a slate stone veneer.

Mr. Moriarty asked about the size of the parking spaces. He noted that they are marked as 9’x18’. He asked if this was adequate for handicap accessible spaces.

Mr. Schilling stated that it was sufficient. The handicap spaces will be located in the structured parking adjacent to the bicycle rack storage.

There was discussion as to whether this was a special permit or variance. This request was advertised as a special permit and will be voted on as such.

Brad Diem asked about snow removal.

Mr. Schilling stated that the snow would be trucked off-site.

Mr. Diem asked about the artist rendering of the building.

Mr. Schilling stated that the glass will be floor to ceiling but is not mirrored.

Mr. Luongo asked where the electrical transformer is located.

Mr. Schilling stated that it is not clear yet. He added that the HVAC will be on the roof and will be screened.

Mr. Luongo questioned what the lighting for the parking lot will be. He suggested that the applicant carry the decorative theme from the Landing area.

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Mr. Metri agreed to donate \$20,000 towards the signalization at Washington Street and Broad Street.

Mr. Foley asked about construction material.

Mr. Shilling stated that the first floor is podium steel and non-combustible. The upper three (3) floors are wood frame construction.

Mr. Foley, noting several serious fires recently, suggested that the hot works certification and insurance be obtained.

Mr. Schneider noted that the town's traffic engineer questioned the trash pick-up.

Mr. Schilling stated that the trash truck will be twice per week with a smaller truck due to space constraints

Mr. Luongo stated that the town's traffic engineer has reviewed the applicant's traffic study and finds it acceptable.

Mr. Schneider stated that there needs to be a relocation of a utility pole to accommodate the expanding size of the curb cut. He noted that there is a mature street tree that will need to be replaced.

Mr. Foley asked if there would be a warning system as two of the spots will require cars to back out of the garage

Mr. Schilling stated that if it was found to be necessary, it would be installed.

Mr. Metri stated that backing out is only necessary when the garage is full. Signage indicating compact car parking only will be placed in the specified spaces.

Mr. Luongo asked about the edge between the gas station and the building.

Mr. Schilling that the retaining wall will have landscaping; it is shown in the rendering package.

Mr. McLeod asked if there was anyone present who would like to speak. There was no response.

Mr. Foley made a motion to close the public hearing and was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

Mr. Foley made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for Case #3337 with the following conditions:

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1. Guardrail is constructed of wood material with final approval by Planning Department.
2. Lighting is in keeping with traditional Landing design with final approval by Planning Department.
3. Mechanicals on roof are screened with final approval by Planning Department.
4. Trash removal is two (2) times per week due to site access.
5. Snow removal plan is approved by Planning Department.
6. Alert system if necessary is to be worked out with Planning Department.
7. Landscaping to the rear with additional screening against Weston Park is designed with final approval by Planning Department.
8. \$20,000 is donated to traffic improvements at Washington Street and Broad Street.
9. Rear of the building is consistent with front of the building.
10. Two (2) northern-most spots are designated "compact cars only".

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

The motion was seconded by Mr. Moriarty. **UNANIMOUSLY VOTED.**

3. Case #3338 - The petitioner, Sunset Sunoco, for a property located at **195 Park Avenue West**, also shown on the Weymouth Town Atlas sheet 44, block 483, lot 4, located in the R-1 district. The petitioner is seeking the following relief as dictated by the Weymouth Zoning Ordinance.

Special Permit: 120-40 alteration, or change of a pre-existing nonconforming use

Applicant is required by Mass DEP to upgrade the existing fuel tanks to doubled walled tanks by August 15. The proposal is to remove 3 single walled tanks and to replace with 2 double walled tanks with an increase in capacity of 6,000 gallons. The existing service station is a pre-existing use in the R-1 District.

Members Present: Richard McLeod, Chairman
 Kemal Denizkurt
 Jonathan Moriarty (7:20)
 Ed Foley

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Mr. McLeod offered the applicant the opportunity to proceed with four (4) members. The applicant agreed.

Mr. Foley made a motion to open the public hearing on Case #3338 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Robert Burke, the applicant and Richard B. Currier appeared before the board.

Mr. Burke stated that he is seeking a special permit for a continuation of a non-conforming use.

Mr. Currier stated that state regulations require that single-walled steel tanks be replaced with double-walled steel tanks. He will replace his three (3) single-walled tanks with two (2) double-walled tanks. The two new tanks have an additional 6,000-gallon capacity than what is presently in place. Construction on the project is expected to begin in September.

Mr. McLeod asked if there would be any other changes or additions.

Mr. Currier replied that there would not be anything else.

Mr. Foley noted that the Department of Environmental Protection (DEP) forms appear to be in order. He asked if they would be increasing the tank capacity any more than the 6,000 square feet noted on the plans.

Mr. Currier stated that a further increase is not planned.

Mr. Schneider stated that the applicant has worked with the town departments, who are all in agreement that this upgrade is a positive and needed change and will ensure public safety and wetland resources. He also stated that the applicant received Conservation Commission approval earlier this month.

Mr. Schneider clarified that the applicant is before the board because it is a continuation of a pre-existing, non-conforming use as the gas station is in an R-1 zoning district.

Mr. McLeod asked if there was anyone present who would like to speak. There was the following response.

Councilor Ed Harrington stated that he has not received any negatives responses to this application. He pointed out that this establishment has an excellent reputation.

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Mr. Foley made a motion to close the public hearing and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3338.

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

The motion was seconded by Mr. Moriarty. Motion passed 4-0 with Mr. Moriarty abstaining as he was not present for the entire hearing of the case.

Other Business:

Minutes - 4/26/17, 6/7/17


A motion was made by Mr. Foley to approve the minutes of April 26, 2017, and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

A motion was made by Mr. Foley to approve the minutes of June 7, 2017, and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Upcoming Meetings - September 6, 2017, September 27, 2017, October 18, 2017.

ADJOURNMENT

Mr. Foley made a motion to adjourn at 8:35pm and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by: 
Mr. Denizkurt, Clerk


Date