

**BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, July 8, 2015**

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

Also Present: Jim Clarke, Director of Planning
Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:04 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Old Business:

Case # 3250 – For Deliberation - 1434 Pleasant Street – Public Hearing Closed 6/17/15 (postponed from 3/25/15), con't from 4/15/15, 5/6/15, 5/27/15, 6/17/15-closed) 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. The applicant’s current proposal is for a total of 11 units.

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

Ed Foley stated that he listened to the testimony on the application of Case #3250 and Case #3254 as he was not here at the last meeting.

Deliberation:

Ed Foley reviewed the history and stated that they heard a lot of testimony from the residents on this case. The original application back in March of 2014 was for 18 residential units and a reuse of the existing retail store. The applicant requested withdrawal of the special permit and variance request in September 2014. In January 2015 he came back with a new application with 14 residential units and reuse of the existing building. Testimony was received from abutters, interested neighbors, the East Weymouth Civic Association and District Councilor. At that time the applicant reduced the number of units to 10 residential units and reuse of the existing retail structure with one residential unit above. The property has been clarified as being in a B-2 business district and therefore the height requirement is not an issue. There were design changes after listening to the concerns of the abutters and neighbors. Mr. Foley believes the applicant has amended his proposal which include the concerns heard and he is not unhappy with this final proposal.

Chairman McLeod referenced the detailed testimony from Mr. Fitzsimmons regarding the Master Plan and clarified that the Master Plan is only a guideline for development but is not within the BZA jurisdiction. This is the first time he has heard that abutters would like more retail space instead as that would create more traffic. He believes the shape of this lot would be better suited with residential units. The District Councilor and the Civic Associations have worked with the applicant on the design of the building and they are happy with the results.

Kemal Denizkurt stated there isn't one specific design for that area. The guidelines are great and ideally he would like to see commercial down below with residential units up top, but not every lot can accommodate that. The EWCA, Councilors and abutters have had some very strong feelings on some conditions. The Herring Run clean up came about from discussions with the Civic Associations as a good will gesture for the area. It has no bearing on the outcome of this application. He would like to see Library parking conditions included if this application is approved.

Chuck Golden stated we should keep in mind how the project has changed since it started. There have been significant concessions made for the neighbors and the board as this application is almost half of what was originally proposed. Parking, storage and landscaping have all been changed to create a better proposal.

Jonathan Moriarty stated his major concern was the lot congestion, traffic flow and the general use of the lot. The number of units directly effect the congestion of the lot. The board has addressed the congestion, the traffic flow, remanipulated a lot of spaces including handicap, created more green space and vertyually eliminated access along Shawmut Avenue which was a very big concern. He is pleased with the final traffic flow and is satisfied with the design and architecture with the building. The applicant has established a good reputation with the town and in working with the board.

Ed Foley made a motion to approve the application for a Special Permit on Case # 3250 as per the most recent plans with the following conditions:

1. Retaining Wall – A safety fence shall be installed at the retaining wall as per Building Code regulations. A detail showing the wall footings and cross section shall be submitted to the Planning Department prior to building permit issuance.
2. A construction narrative and/or plan shall be submitted to the Planning Department that addresses minimizing off-site impacts prior to building permit issuance.
3. At least two additional arborvitae shall be planted south-west of the building adjacent to the paved area access to the basement.
4. The proposed landscaping on the Pratt Library property shall be reviewed and coordinated with the Planning Department prior to commencement.
5. Sheet A-2.1 shall be corrected to identify figure 1 as south elevation and figure 3 as north elevation.
6. The applicant will take part in the Herring Run Clean Up.
7. All snow must be removed from site if cannot be properly stored onsite.

Plans are approved as per revision date noted below:

1. Cover Sheet A-0; 5/28/15
2. Proposed Site Plan A-1.0; 6/4/15
3. Proposed Unit Plan A-1.1; 5/28/15
4. Floor Plans, New Building A-1.2; 5/28/15
5. Elevations New Building A-2.1; 5/28/15
6. Building Cross Section A-3.1; 5/28/15
7. Planting – Site Lighting Plan L-1; 6/5/15
8. Layout Plan by DeCelle and Burke, Associates; 5/13/15
9. Grading and Drainage Plan by DeCelle and Burke Associates; 5/13/15

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.
 - a. The project meets all of the use and dimensional requirements for the B-2 zone.
 - b. Mixed use, including preserving the older retail building is encouraged in the Town's village centers.
 - c. The new residences are within walking distance of the East Weymouth commuter rail station.

2. The use involved will not be detrimental to the established or future character of the neighborhood or Town.
 - a. Numerous multi-family residential structures are scattered throughout the Jackson Square neighborhood, including an eight unit complex abutting this proposal.
 - b. The Master Plan and Design Guidelines encourage mixed use development.
 - c. Design changes to the new building help to fit it into the different architectural styles in the village.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - a. Adequate parking is provided on-site.
 - b. One way enter and exit curb cuts provide for safer operation of site
 - c. The exit driveway is located farther away from the intersection.
 - d. The sidewalk will be repaired and handicap ramps added.

4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
 - a. Adequate parking is provided for the uses on site.
 - b. Stormwater detention systems are proposed on site with overflow pipes connected to street drainage.
 - c. Trash disposal in an enclosed dumpster is provided near the new building.

5. The public convenience and welfare will be substantially served.
 - a. A retail use will be maintained on the site.
 - b. New residents will patronize local shops in Jackson Square.
 - c. The new development and site improvements will add to the Town tax base.

Jonathan Moriarty seconded. Voted unanimously

Case # 3254 – For Deliberation - 1255 Main Street – Public Hearing Closed 5/27/15;
Deliberation *6/17/17 sitting members McLeod, Foley, Denizkurt, Golden, Moriarty*

The petitioner, Bike Realty LLC, for property located at 1255 Main Street, also shown on the Weymouth Town Atlas Sheet 53, Block 593, Lot 7, located in a HT (Highway Transition) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Article VIB Section 120-22.8E Restaurant (less than 20 seats) with Drive Through and minimum lot size land area shall be 43,560 SF.

Presently located on the premises is a ~9500 SF single story building with five potential retail units. The petitioner is proposing to move the existing Dunkin Donuts from unit 1 & 2 to unit 5 on the south side of the building and seeks to add a drive through window.

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

Ed Foley stated he listened to the testimony and had some concerns and questions which were directed to the staff and answered to his satisfaction.

Deliberation:

Jonathan Moriarty stated his main concern was the queuing from the left hand turn coming in from traffic going Northbound on Route 18 and it was addressed to his satisfaction. Conservation issues have all been addressed and he has no concerns with that either.

Chuck Golden stated his main concern was the traffic, queuing and parking. The applicant submitted a professional traffic report and our traffic engineer agrees with it, therefore he is comfortable with his concerns.

Ed Foley made a motion to approve the application for a Special Permit on Case #3254.

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 site already had a Dunkin Donuts there and are looking to relocate it down the building to create a drive thru.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
Its an existing site, just looking to add a drive thru and there sufficient space for queuing 25 vehicles.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
Looking ahead at the buildout for Route 18, there will be 2 lanes on either side and will improve traffic situations.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
You can queue up to 25 cars minimum.
5. That the public convenience and welfare will be substantially served with the proposal.
This should create more business and tax revenue for the Town of Weymouth.

Jonathan Moriarty seconded. Voted unanimously

New Business:

Case # 3257-- The petitioner, George W. Brewster, for property located at 25 Main Street, also shown on the Weymouth Town Atlas Sheet 29, Block 327, Lots 24 & 35, located in a B-1 (Limited Business) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Article VII Section 120-24, (A) Indoor maintenance and washing of vehicles & (D) Dispatching

The petitioner seeks to demolish an existing block building last used for an automobile dealership and proposes to construct an ~80'x 60' metal pre-fabricated building meeting all setback requirements. Proposed building will be used for ambulance maintenance as well as dispatch center. Plan would also close the northernmost entrance/exit to Main Street.

Sitting Members: Richard McLeod
Ed Foley
Chuck Golden
Jonathan Moriarty
Brandon Diem

Ed Foley made a motion to open the public hearing on Case #3257, 25 Main Street and was seconded by Jonathan Moriarty. Voted unanimously

Ed Foley made a motion to waive the reading of the legal notice and was seconded by Jonathan Moriarty. Voted unanimously

Appearing before the board was Attorney Gregory Galvin, 775 Pleasant Street and the applicant George Brewster, Brian Taylor-Engineer, John Gillon-Traffic, Carin Gosselin-Landscape Architect.

This site will be a dispatch use, maintenance and motor vehicle washing location. The existing building will be demolished and a new building will be constructed. The driveway closest to the intersection will be closed off and there will be only one driveway.

Mr. Taylor, Stanbeck and Taylor reviewed the lot layout with the board. This lot abuts a B-1 zone and an R-1 Zone. The buffer zones will remain. The parking lot has been reconfigured and regraded to drain into a rain garden. There will be landscaped islands, and they will eliminate one curb cut onto Main Street. He stated that the applicant has address most of the staff department concerns and has done a site visit with them. The applicant has submitted new plans which included all the changes.

Jack Gillon – Traffic Engineer, he reviewed the traffic study that was supplied to the board. This study was based on an existing Brook Road Ambulance Facility in Quincy, MA which had 25 trips in the morning and 24 trips in the evening. The projections for Brewster ambulance are little smaller but they used the higher amount from the traffic study. Mr. Gillon reviewed the

average daily trips during peak hours that were in place for the previous automobile dealership compared to what Brewster Ambulance will be having and the result was 17 less trips in the morning and 42 less trips in the evening during peak hours.

Carin Gosselin, CMG Design – Reviewed the landscape plan with the board. There will be a 10 foot wide island between the parking lot and the road. There will be two islands in the parking lot with trees in them that will have pink blossoms in the spring. The goal is to provide color from early spring through the fall. None of the plantings will block sight lines for vehicles. There will be accent night lighting on the landscaped area and irrigation. This lot will not be fenced in, but all natural.

The proposed signage will include a sign on the front of the building and a free standing sign. All signage will conform. Snow removal will be in the back of the building as well as the dumpster.

Attorney Galvin has reached out to the District Councilor and they have both spoken with the neighbors and he has not received any negative feedback. This is only the headquarters and emergency calls will be handled out of the municipality the ambulance is located in and not dispatched from this facility.

Mr. McLeod asked if there will be any vehicles parked on the part of the lot that was in the R-1 Zone and it was stated, no they are not going to use that part of the lot, maybe store snow there.

Mr. McFarland, Remax Real Estate is the broker who facilitated this project for Brewster Ambulance.

Ed Foley asked if the traffic study that was based on Fallon Ambulance in Quincy is the same size building as this proposed one and it was stated yes, its about 35,000 sq feet. It is layed out differently and the study was used on the vehicle trips in and out of the facility.

Ed Foley asked what the rear set back would be and it was stated 64.6 feet. It is heavily wooded after that.

Chuck Golden asked for clarity on the statement that the emergency use will be minimal. Mr. Brewster stated that there are scheduled appointment for transport but they do not use lights or sirens. There will be 30-40 vehicles parked in this location and they will be sent to their locations but they will not be emergencies. The bulk will be transporting patients from South Shore Hospital to Boston or from a nursing home to South Shore Hospital and there will not be any sirens used. If there is an emergency sirens cannot be used until they get to the set of lights at Winter Street.

Ed Foley asked how many people will be in the building and it was stated throughout the day approximately 100 people but only 24 in any given time.

Public Comment:

Bijon Maher, 384 Front Street – asked if the maintenance was 24 hours and what happens if the sirens become a problem. There is a manhole on Front Street that always has a problem, will the additional water be a concern. The applicant stated that the maintenance is from 7 am to 6 pm and there are no sirens onsite. This property is down grade from abutters and all overflows go into the rain gardens therefore they will not be contributing to any flows.

Russ Drysdale, 475 East Street - is in support of this proposal and it looks like a significant improvement to the site. The previous dealership washed cars and performed maintenance onsite so there really isn't a significant change except perhaps reducing the frequency of those uses.

Jonathan Moriarty asked if they plan on doing training on site? Mr. Brewster stated yes, mostly in the building. If this is your headquarters would there be regional training on site and it was stated there will be some but not a lot.

Do you intend on offering anything back to the community such as CPR, First Aid classes etc. and it was stated they would be happy to however the town's provider should be providing this already.

Ed Foley asked if he will be using local labor to construct this building and Mr. Brewster stated yes, he will put it out to bid and if they are competitive he will be more than happy to use them.

Ed Foley made a motion to close the public hearing on Case # 3257, 25 Main Street and was seconded by Jonathan Moriarty. Voted unanimously

Jim Clarke stated he is in support of the applicant he feels it is a reduction in paved area and traffic in the area.

Ed Foley made a motion to approve this application for a Special Permit on Case # 3257 with the following conditions:

1. Maintenance of any vehicles are from 7:00 am - 6:00 pm, unless an emergency exists.
2. No sirens of emergency vehicles while onsite, especially during 9:00 pm – 7:00 am.
3. Use existing snow removal site.
4. No parking or storing vehicles in the R-1 zone of the lot.

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.
It is not much different, but an improvement with the lack of vehicles on site.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
It is an improvement to the existing structure and design is pleasing.

3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
The traffic engineer's study and our traffic engineer's agreement with this study.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
There is adequate drainage and it needs Conservation Commission approval.
5. That the public convenience and welfare will be substantially served with the proposal.
We welcome a facility of this type in this community and the commercial tax base will be improved.

Jonathan Moriarty seconded.
Voted unanimously

Business:

Reorganization

Ed Foley made a motion to approve Richard McLeod as Chairman and was seconded by Jonathan Moriarty. Voted unanimously

Chairman McLeod made a motion to approve Ed Foley as Vice Chairman and was seconded by Jonathan Moriarty. Voted unanimously

Chairman McLeod made a motion to approve Kemal Kenizkurt as Clerk and was seconded by Jonathan Moriarty. Voted Unanimously

Case # 3255 – For Deliberation – 38 Greenwood Avenue – Public Hearing Closed 6/17/15;
sitting members McLeod, Diem, Denizkurt, Golden, Moriarty

The petitioner, Aldon Electric, Inc., for property located at 38 Greenwood Avenue, also shown on the Weymouth Town Atlas Sheet 25, Block 335, Lot 5, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Article XIII Section 120-40 Extension of an existing non-conforming use or structure

The property is currently being used as an electrical contractor's yard with an existing ~3244 SF building. The petitioner seeks to construct a new ~1080 SF two-story building in the rear of the property to replace several existing storage trailers.

Sitting Members: Richard McLeod
 Kemal Denizkurt
 Chuck Golden
 Jonathan Moriarty
 Brandon Diem

Deliberation:

Jim Clarke stated there will not be a second floor on this and it will be a gable roof.

Jonathan Moriarty stated his only concern is the mess that is in the yard.

Kemal Denizkurt made a motion to approve a Special Permit on Case # 3255 as plans submitted on 11/4/2014 with the following conditions:

1. Must remove all storage containers on site.
2. To install a swing gate accessing the premises within 3 months after completion of the building.

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.
There is a modest expansion of the use and has been existing since 1995, similar commercial use since 1950.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
In an R-1 zone but in operation since 1950's. Open lot storage will be reduced.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
This will help alleviate some hazardous concerns and he has taken precautions to protect pedestrians on the property.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
Property is already serviced by those.
5. That the public convenience and welfare will be substantially served with the proposal.
The lot will be cleaned up and look better to the abutters.

Jonathan Moriarty seconded.

Voted unanimously

Other Business:

Review of Minutes –June 17, 2015

Jonathan Moriarty made a motion to approve the minutes of June 17, 2015 as written and was seconded by Kemal Denizkurt. Voted unanimously

Upcoming Meetings – August 5, 2015, September 2, 2015, September 16, 2015

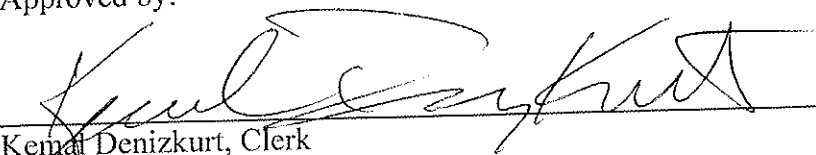
ADJOURNMENT

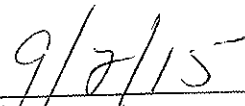
Jonathan Moriarty made a motion to adjourn at 9:03pm and was seconded by Chuck Golden.
Voted unanimously

Respectfully submitted by,

Lee Hultin

Recording Secretary
Approved by:


Kemal Denizkurt, Clerk


Date