

**BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, August 24, 2016**

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Ed Foley
Brad Vinton

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 7:00 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

1. Case #3298 – The petitioner, Michael Schilling, for property located at **278 Washington Street**, also shown on the Weymouth Town Atlas sheet 20, block 282, lot 6, located in an B-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit:	120-39 and 120-40 120-62.1	Continuation and extension of non-conforming use front yard landscaping
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Presently located on the 11,640 SF lot is an existing two-story building consisting of ~2238 SF of first floor commercial space and ~2238 SF of second floor residential space consisting of 2 rental units. The petitioner is proposing to construct a 2-story addition to expand the first floor by ~134 SF to convert the commercial space into 2 residential units and expand the second floor residential space by ~134 SF; and to upgrade the landscaping in the front of the building.

Sitting Members: Richard McLeod
Kemal Denizkurt
Ed Foley
Jonathan Moriarty
Brad Vinton

Ed Foley made a motion to open the public hearing on Case #3298 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3298 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Appearing before the board was the applicant Michael Schilling, Walter MacKinnon and Attorney Gregory Galvin, 775 Pleasant Street, Weymouth.

Attorney Galvin stated that there are offices on the first level and apartments on the second level. There are minor changes to the site plan however they took the engineering department comments and addressed them. There are 16 parking spaces in the back and the driveway is wide enough to enter and exit at the same time. This a B1 Zone and it is existing nonconforming.

Kemal Denizkurt asked if the addition will be changing any of the set-backs? It was stated they are bringing the building in a little bit in the back to square it off. The set back will be deeper than what is existing.

Ed Foley asked if there is a drawing for the catch basin detail. Eric Schneider said that is still to come, he spoke with DPW and they are satisfied with the proposal in general, there are just a few punch list items. Ed asked for a copy when submitted.

Eric Schneider said they met several time with the applicant prior to their application and worked out several concerns already. The Planning staff is in support of this project.

Ed Foley made a motion to close the public hearing on Case # 3298 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

Ed Foley made a motion to approve the application for a special Permit on Case #3298 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 currently has residential on the top floor and the office space is staying the same.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
They are going to clean up the property and put in a catch basin with the oil separator hood which will improve the environmental issues.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
There will be clear site for the resident and office workers to pull in and out of the parking lot.

4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
They will meet all DPW Engineering Department's requests.
5. That the public convenience and welfare will be substantially served with the proposal.
It will improve the appearance of the property and provide two new housing units which is needed.

Conditions:

1. Will meet all DPW's Engineerings requests
2. Plan dated 8-20-16 will be used.
3. A copy of the detailed catch basins will be provided.

2. Case #3299 – The petitioner, Richard Freeman, for property located at **328 North Street**, also shown on the Weymouth Town Atlas sheet 10, block 103, lot 1, 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 Continuation of non-conforming use

Presently located on the ~8 acre lot are 3 existing single-family dwellings, each occupied by same family members, 2 barns, in-ground swimming pool and pool house. The petitioner seeks to construct a ~16' X 16' one-story addition at the rear of the dwelling he presently occupies.

Sitting Members: Richard McLeod
Kemal Denizkurt
Ed Foley
Jonathan Moriarty
Brad Vinton

Ed Foley made a motion to open the public hearing on Case #3299 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3299 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the board was Patricia Fisher, Fisher Associates Architects and the applicant Mr. Freeman.

There are 3 houses and several buildings on the property. The only non-conformity of the property is the multiple structures. The 3 houses are occupied by the grandparents in one house and the two daughters and their families in the other 2 houses. The mortgage is held by one of

the sisters but not Mr. Freeman and his wife. They live in the 3rd house and would like to put an addition on their house. The proposed addition meets all the set back requirements.

Chairman McLeod asked what is in the barn and Mr. Freeman said it is his father-in-laws items, just misc. stuff such as bikes, tools, etc.

Ed Foley asked if the taxes are current and it was stated no they are not. The applicants Sister-in-Law owns the property and it is all in their name. There is approximately \$32,000 owed in back taxes.

A special permit is good for two years and a building permit will not be issued until the back taxes are paid off.

Jonathan Moriarty asked who is the owner of the property? Mr. Freeman said it is himself, his wife, his sister-in-law and her husband. There are 4 people on the deed.

Jonathan asked if the applicant needs to be all the owners of record. Bob Luongo said no.

Mr. Freeman said his sister-in-law refinanced and the taxes never got paid by the old bank. He believes they are current since they refinanced. Jonathan Moriarty asked how long have they been disputing this?

Ed Foley made a motion to close the public hearing on Case #3299 and was seconded by Kemal Denizkurt. VOTED UNANIMOUSLY

Ed Foley made a motion to approve this application for Case #3299 and was seconded by

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 present home conforms with all setbacks. The proposed addition will not encroach into the setbacks.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
It's a unique property and this will give the applicant more space for his growing family.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
The addition is set back and there will be no additional vehicles or pedestrians in this area.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
Staff will review and make sure this is set up.

5. That the public convenience and welfare will be substantially served with the proposal. *By issuing this permit the town will feel confident it will collect back taxes. The project will increase the assessed value of the home.*

Condition:

1. No building permit will be issues until all taxes and water bills are paid in full and current.

3. Case #3300 – The petitioner, Charles Bragdon for property located at **78 Regatta Road**, also shown on the Weymouth Town Atlas sheet 5, block 12, lot 42, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance; Table 1 Setback from Baylee Road

Presently located on the ~8646 SF lot is an existing single-family dwelling with frontage on Regatta Road. The petitioner seeks to construct a ~15' X 20' garage to the rear of the lot fronting Baylee Road.

Sitting Members: Richard McLeod
 Kemal Denizkurt
 Ed Foley
 Jonathan Moriarty
 Brad Vinton

Ed Foley made a motion to open the public hearing on Case #3300 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3300 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

Appearing before the board was Charles Bragdon. He stated that Bailey Road is higher than Regatta Road so positioning of the garage is the only option before it slopes down several times.

Ed asked if there are any architectural designs of the garage/shed as he is concerned about the height. Mr. Bragdon said he has not done that step yet.

Chairman McLeod asked if there are any utilities in it and the applicant said just electricity. Will the entrance to the garage will be from the side or from Bailey Road. The applicant said he was not sure yet, it will depend on the length of the building.

Bob Luongo stated that we need some certainty. If the front door of the garage is opening onto Baily Road then the applicant will be parking his car onto the town's property which is Baily

Road. There is only 5.7 feet but in the future if the town develops Baily Road to its widest it would mean he would not be able to park in front of his garage, it would have to be pulled into it instead.

Staff would like to see the elevation and do a site plan review.

Jonathan Moriarty stated he will only support this application if the garage doors are on the side and not on Baily Road. He is concerns with safety issue if Baily gets developed, there are no plans and he does not know how the garage doors will open or swing like barn doors etc.

Jonathan Moriarty said if Baily gets paved they may also put in sidewalks and curbing and he is not satisfied with the details.

The public was given the opportunity to speak and there were no public comments.

The applicant said he has 5 letters of support by neighbors.

Ed Foley said he would like to know what the Building Inspector thinks.

That applicant needs to decide definitively as to the size of the building and where the doors will be. A plan needs to be submitted.

Ideally the applicant would like to have the longer building with the entrance facing Baily Road that way he can get more cars into the garage.

Ed Foley made a motion to continue Case #3300 to September 28, 2016 and was seconded by Jonathan Moriarty.

VOTED 5-0

Minutes –July 27, 2016

Kemal Denizkurt made a motion to approve the minutes of July 27, 2016 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

Upcoming Meetings – September 7, 2016, September 28, 2016, October 19, 2016

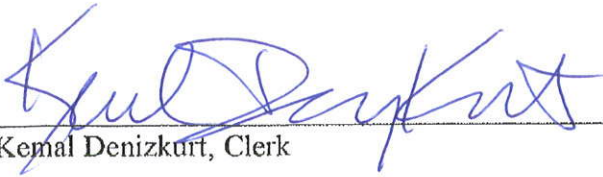
ADJOURNMENT

Ed Foley made a motion to adjourn at 8:50 pm and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:


Kemal Deniz Kurt, Clerk

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9-16-14
Date