

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS  
RECORDS OF MINUTES AND PROCEEDINGS  
Wednesday January 15, 2014 7:15pm**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday January 15, 2014 at 7:15 p.m. at McCulloch Building (Whipple Center) Classroom 12, 182 Green Street Weymouth, MA 02191 for the purpose of passing on the application of certain persons whose petitions were properly before the Board. Notice of public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

Present:                   Kemal Denizkurt, Clerk as Acting Chairman  
                                Chuck Golden  
                                Jonathan Moriarty  
                                Brad Vinton

Not Present:             Richard McLeod, Chairman  
                                Edward Foley, Vice Chairman

Staff:                     Jim Clarke, Director of Planning & Comm. Development  
                                Abby McCabe, Principal Planner

Recording Secretary: Ann Flynn Dickinson

Kemal Denizkurt called the meeting to order at 7:15 PM and explained the procedures that would follow to the people present.

**Old Business:**

**BZA Case #3216 – 666 Bridge Street Public Hearing**

The Chair noted that the Board received a request to continue the hearing from the applicant. A motion was made by John Moriarty to continue the public hearing for Case # 3216 – 666 Bridge Street (U-HAUL) to the January 29, 2014 Meeting. Motion was seconded by Chuck Golden and unanimously voted.

**BZA Case # 3218- 269 Park Ave. & 168 Ralph Talbot**

The Chair noted that the Board received a request to continue the public hearing from the applicant. A motion was made by John Moriarty to continue the public hearing for 269 Park Avenue and 168 Ralph Talbot Street Case 3218 to the January 29, 2014 Board meeting. The motion was seconded by Johnathan Moriarty and unanimously voted.

**New Business:**

A Motion was made by Kemal Denizkurt to open the public hearing for Case 3217 for property located at 466 Main Street and seconded by Brad Vinton, unanimously voted.

**BZA Case # 3217 466 Main Street – Public Hearing**

Frank Baldassini, attorney for the applicant, and Mr. Metri, the applicant, were invited to the table to explain the application. The attorney explained that the property presently has two residences on one lot after it received the Board of Zoning Appeals approval back in 1957 but the Board's Decision was never recorded and the lot was never actually subdivided. The new dwelling in the rear of the lot received a building permit in 1959 when the recording of the decision and the lot's subdivision should have been verified. However, the statute of limitations in Massachusetts General Laws for an alleged violation of the law has expired and there are two (2) properties on the one lot today.

Mr. Metri would like the lot to be subdivided, and separate the two lots out and have the right to renovate the existing property and knock down house the rear dwelling and rebuild. There is an existing shared driveway for both residences. The rear dwelling is proposed to be will be a 36-ft x 26-ft colonial style dwelling with no garage. The driveway would give access to the house and also be a common driveway. An access easement is proposed for the driveway.

Ms. McCabe, the Principal Planner, reviewed the Department of Public Works comments on the revised plans. A new 1.5 inch water service connection from Main Street will be required as well as an underground infiltration system to collect run-off from the new impervious surfaces. The applicant was agreeable to the comments from Public Works.

Kemal Denizkurt asked the Board if there were any further questions. Jonathan Moriarty asked about the position of the poles on the lot. Attorney Baldassini responded that they would check with National Grid. Mr. Metri added that they would likely need an easement.

Johnathan Moriarty noted that during his recent site visit there appeared to be a small shed or structure that is not shown on the plan and suggested that a condition of approval be that it be removed. The Board also discussed the exact location of the existing and proposed driveway and the proposed new lot lines.

Attorney Baldassini stated that the lot lines will have to be redone once the requirements are outlined by the Board. The driveway is going to be dug up anyway and will plan for any changes of underground utilities at that time.

Mr. Clarke, the Planning Director, stated that the Board could make a condition that the applicant provide documentation that the service meets their requirements.

Attorney Baldassini stated that one family had owned the property since 1964 and it was sold to Mr. Metri about six months ago by the last of the family that owned the house.

Johnathan Moriarty asked if the driveway was intended to be restored after the utilities have been installed. Attorney Baldassini stated that his client will agree to that as a condition also.

Johnathan Moriarty asked if they thought about an easement for snow storage. Attorney Baldassini will figure out as part of the conditions of these issues with the driveway easement.

Kemal Denizkurt stated that the Board received in their packet comments from Bob Montgomery Thomas and summarized the comments submitted and asked from comments from the public.

**Public Comments:**

Bob Montgomery Thomas was present and provided his written comments to the Board. Mr. Thomas asked about the driveway and if the state had been contacted and noted that the driveway is less than 15-ft wide. He also questioned the 1957 approval from the Board mentioned in the application and earlier in the hearing.

Allison Silverman, 23 Nash Road, came to the table. Her house is directly behind the wooded area and is an abutter to the rear of the subject property. Ms. Silverman also asked about the proposed tree removal. The applicant responded that the intent is to only remove trees where needed for the new dwelling and not at the rear of the property. Ms. Silverman also asked about drainage. Kemal Denizkurt responded that an underground infiltration system will be required as a condition of approval to collect run-off from the new impervious areas. Ms. Silverman also asked if a multi-family dwelling was proposed and the applicant responded that both dwellings are single-family residences.

Jerome Riley, 470 Main Street, asked about the natural pitch of the driveway, how and if that would be altered. He was also concerned about snow storage and its impacts on his property. Mr. Riley was also concerned about the possibility of any utility service interruptions during the construction period.

Brad Vinton made a motion to close the public hearing and Chuck Golden seconded and the motion was unanimously voted.

Mr. Clarke recommends the Board approve the application with conditions. Ms. McCabe referred to the updated planning department staff memo dated January 15, 2014 provided to the Board this evening and on page 2 there are suggested conditions of approval. Ms. McCabe recommended approval with the conditions that an Approval Not Required Plan be submitted to the Planning Board prior to applying for building permits; that the driveway easement be recorded at the registry of deeds and proof of recording submitted to the Planning Department prior to the final certificate of occupancy; that an underground infiltration system be installed to collect runoff from the new impervious

areas; and two copies of a final as-built plan be submitted to the Planning Department prior to the final certificate of occupancy.

John Moriarty noted that he would like to add a couple other conditions.

Chuck Golden made a motion to approve the application for 466 Main Street Case 3217 with the following conditions based on the Variance Findings that the two dwellings exist today and were approved in 1957 and the proposal is an improvement to the neighborhood. The conditions of approval are as follows:

- That an Approval Not Required Plan be submitted to the Planning Board prior to applying for building permits;
- That the driveway easement be recorded at the registry of deeds and proof of the easement's recording be submitted to the Planning Department prior to a final certificate of occupancy.
- That an underground infiltration system be installed to collect runoff from the new impervious areas;
- That two (2) copies of a final as-built plan be submitted to the Planning Department prior to the final certificate of occupancy;
- That the existing small shed / structure on parcel A be removed;
- That documentation be submitted to verify that the electric company has approved the utility work;
- That the applicant obtain any necessary Massachusetts Department of Transportation permits;
- That there be no further tree removal along the rear lot line; and
- That the existing driveway be restored with grass if pavement is removed.

Johnathan Moriarty seconded the motion and the Board voted unanimously.

**Discussion and Re-Vote on Conditions for 30 & 36 Oak Cliff Road (Case 3215):**

Ms. McCabe informed the Board that the Variance Amendment Application for 30 & 36 Oak Cliff Road was approved by the Board on November 13, 2013 with conditions and directed the Board to the draft decision included in their meetings packets. After the Board's vote on November 13 the applicant informed staff that condition # 3 to require the applicant to record an easement posed a problem. Ms. McCabe stated that the Board is still within the time frame to amend their decision and issue the decision by removing the condition # 3.

Chuck Golden made a motion to approve the application as voted on November 13, 2013 and remove condition # 3 regarding the access easement. The other conditions will remain. The motion was seconded by Jonathan Moriarty and unanimously voted.

**Approval of Minutes**

A motion was made by Jonathan Moriarty to approve the minutes of the December 18, 2013 meeting as written; seconded by Chuck Golden and unanimously voted.

Ms. McCabe reviewed the 2014 schedule and distributed the meeting dates to the Board. She also noted that the February 19, 2014 meeting falls during the school vacation week and Kemal Denizkurt will not be available and an alternate will be needed.

**Other Business**

Update on Zoning Amendment for the undersized lots Zoning Ordinance Section 120-53 Measure 13-127:

Mr. Clarke informed the Board that the Planning Board has submitted their recommendation to Council for favorable action as submitted but the Town Council has not yet voted on the Zoning Amendment.

**Adjournment:**

With no further business a motion was made by Chuck Golden and seconded by Jonathan Moriarty to adjourn at 8:15 p.m.

Respectfully submitted:

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