

**TOWN OF WEYMOUTH
RECORD OF MINUTES AND PROCEEDINGS
BOARD OF ZONING APPEALS
Wednesday, February 19, 2014**

Present: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Brandon Diem, Alternate Member
Rob Stevens, Alternate Member

Also Present: Abby McCabe, Principal Planner
Jim Clarke, Planning Director
Lee Hultin, Recording Secretary

Vice Chairman Foley called the Board of Zoning Appeals meeting to order at 7:20 pm. at the McCulloch Building and explained the procedures that would be followed to the people present. Since the Board Chairman was not present the cases were taken out of order.

BZA Case #3224 – 67 Wilson Avenue, Public Hearing

The petitioner, Arthur Perham, for property located at 67 Wilson Avenue, is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Extension or change by Special Permit for a non-conforming structure (Article XIII, Section 120-40). The property is non-conforming due to the lot size (25,000 SF required, 6,250 existing) and side yard setback (10-ft provided, 6.9-ft existing).

Variance: Relief of 4-ft from the minimum required side yard setback (10-ft required, 6-ft provided)

Presently located on the property is a single-family residence. The petitioner is proposing to construct a 393 SF addition onto the south side of the house. The proposed addition will be 4-ft from the southerly property line.

Members sitting: Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Rob Stevens, Alternate Member
Brandon Diem, Alternate Member

A motion was made by Chuck Golden to open the public hearing on 67 Wilson Avenue, Case #3224 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY.

A motion was made by Chuck Golden to waive the reading of the published legal notice on 67 Wilson Avenue, Case #3224 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY.

Appearing before the board was Arthur Perham, owner of 67 Wilson Avenue. He noted that this addition is two stories with a family room, laundry room and full bath on the lower level and a master bedroom upstairs.

The typography of the lot creates a hardship where they can only place the addition to the left side of the house. Once the addition is in he will lose the length of the driveway and would like to extend the width of it.

Jonathan Moriarty asked if the existing porch in the back of the house would be extended along the new addition and the applicant responded that the porch would not be extended. Ed Foley asked if it was possible to construct the addition on the back of the house to comply with setbacks. The applicant responded that if he built off the back it would make it difficult to have a family room and a master bedroom.

There is complete access from the front of the yard to the back yard. The 2 lots to the left of the house are empty lots and they are not buildable lots. Jim Clarke believes that the town sold the lot next to him and it had a restriction on it that you could not build on it, but he is not 100% certain at this time.

Mr. Frowley the neighbor was notified of this public hearing but he was not present for the hearing. The applicant stated that he has discussed the proposed addition with him and he had no concerns with it. He owns three lots next to Mr. Perham.

Abby McCabe stated that the only comment she received from departments were from the Engineering Division noting that the driveway would be significantly reduced with this proposal.

Public Comments:

Shawn Mulhern - 74 Wilson Avenue, and he is supportive of the proposed addition.

A motion was made by Jonathan Moriarty to close the public hearing on 67 Wilson Avenue and was seconded by Chuck Golden. VOTED UNANIMOUSLY.

A motion was made to approve the variance request on case #3224, 67 Wilson Avenue and the applicant has shown hardship due to the typography of the lot. In addition, before a building permit is issued, the driveway will be addressed to park two cars, the existing garage is to be removed as stated on the plan. The motion and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY.

BZA Case #3222 – 52 High Street, Public Hearing

The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Extension or change by Special Permit for a non-conforming structure (Article XIII, Section 120-40).

Special Permit: Garage or storage space for more than three automobiles (Article IV, Section 120-12A)

Presently located on the premises is a two-family residential dwelling on a 15,114 square foot lot. The petitioner is proposing to construct a 1,125 square foot garage on the rear portion of the property.

Members sitting: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty (Recused himself)
Rob Stevens, Alternate Member
Brandon Diem, Alternate Member

A motion was made by Jonathan Moriarty to open the public hearing for Case #3222 for property located at 52 High Street and seconded by Chuck Golden. VOTED UNANIMOUSLY.

A motion was made by Jonathan Moriarty to waive the reading of the published legal notice and was seconded by Chuck Golden. VOTED UNANIMOUSLY.

After the hearing was opened Jonathan Moriarty discovered there may be a conflict of interest and recused himself from the hearing and left the Board podium.

Richard MacLeod arrived at 7:40 p.m. and the hearing was re-opened.

Appearing before the Board was Andrew Spath and he stated that he needs the large garage due to his hobbies and for storage space for a motor home.

The proposed garage will have a driveway that will exit on Grant Street. There is no curb or sidewalk at this location.

Ed Foley asked why he wants the garage so large and he stated that it is for recreational use and he has a lot of hobbies. It is a single-story building and will have electricity in there. No heating or cooling is planned at this time. The siding will be texture 111. The door is an overhead door of aluminum construction.

The lot is non-conforming because the existing home is a 2 family in an R-1 zoning district. Jim Clarke stated this non-conforming use goes back over 50 year.

The applicant stated that he would like to keep the old garage but will remove it if required by the Board. The existing shed is empty and will be removed as part of the project.

Chuck Golden verified that he needs such a large garage because he may want to store an RV in it when you purchase it? The applicant replied yes and he will be doing projects in there in the meantime.

Chuck Golden asked how wide Grant Street is and it was stated that it was likely between 22-24 feet but it is not confirmed.

Rob Stevens noted that the applicant owns his own business and operated out of two other sites. Mr. Stevens asked how many large pieces of equipment he has and he stated 1 small one ton dump truck, a larger dump truck and 2 excavators. Rob Stevens expressed concerned about the large structure with a large garage door. He reminded the applicant that there are limitations on parking commercial vehicles in an R-1 zone. The applicant said his business is out of town in Cohasset and he has no intention of using it for commercial space. Mr. Spath stated that this current garage has doors that are too small and nothing fits in it, he is willing to remove it if he needs to and he will work on his vehicles in the new garage.

Mr. Foley said this is application is out of the ordinary in an R-1 area.

Abby McCabe stated that if he is only storing 3 pieces, a mobile home and 2 vehicles that this is allowed in the R-1 zone. (120-12A, D).

Jim Clarke said the zoning allows for (1) commercial vehicle but it is limited in size.

Andrew Spath said the upstairs tenant has 2 vehicles that are unregistered and will be removed and the tenant down stairs has 1 single car.

Public Comment:

Fred Goodiron, lives across the street. He has known Andrew for 10 years and he doesn't live there and he is concerned over the proposed size. He is in the construction business and that concerns him. Grant Street may not be wide enough. His main concern is the usage.

Douglas Balmer, 19 Grant Street, his concern is the size of the structure which is larger than the foot print of the house they live in.

Ed Foley asked where he stores his 2 dump trucks and 2 excavators and the applicant stated they were stored in Scituate and he has additional space in Cohasset.

Brandon Diem asked if he has looked at an alternative location for the garage instead of at the end of his current driveway and it was stated yes, but the location he chose is less intrusive to the yard. He is in the process of having an engineer design it and it would be of wood frame.

Due to the fact that there are tenants in this location it was asked where they would park. Jim Clarke stated that the tenants could park in the current driveway. The shed is illegal and needs to be removed. The applicant would be willing to remove the existing garage. It was asked if he could build it where the existing garage is today and the applicant stated no. The shed and several sections of the stockade fence will be removed to provide access to the new garage.

A motion was made by Ed Foley to close the public hearing on Case # 3222 for property located at 52 High Street and was seconded by Robert Stevens. VOTED UNANIMOUSLY.

A motion was made by Ed Foley to deny the application for a Special Permit due to the fact that he has not met the criteria to Section 120-22 D as it doesn't fit in the neighborhood and the use would be detrimental to the neighborhood. The motion was seconded by Chuck Golden.

Prior to the Board's vote on the motion, the Chairman asked the Board members if they were willing to give the applicant an opportunity to withdraw his application. This was explained to the applicant and the applicant requested the Board withdraw his application without prejudice.

A new motion was made by Ed Foley to approve the applications request for a leave to withdraw without prejudice for the application on 52 High Street and seconded by Chuck Golden. VOTED UNANIMOUSLY.

BZA Case #3225 – 186 Main Street, Public Hearing

The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Storage in a roofed structure (Article VII, Section 120-24D)

Presently located on the premises is a vacant 35,500 SF office building. The petitioner is proposing to redevelop the site for a self-storage facility in two phases. The first phase proposes to demolish the existing building to construct a 21,950 SF building for the storage of 502 units of self-storage, fourteen (14) off-street parking spaces, drainage improvements and other associated site work. Phase two will consist of the construction of 2,400 building to the south of the main storage building.

Members sitting: Richard McLeod, Chairman
Edward Foley, Vice Chairman
Chuck Golden
Jonathan Moriarty
Rob Stevens, Alternate Member

A motion was made by Ed Foley to open the public hearing on 186 Main Street, Case # 3225 and was seconded by Chuck Golden. VOTED UNANIMOUSLY.

A motion was made by Ed Foley to waive the reading of the published legal notice and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY.

Appearing before the Board is Attorney Frank Marinelli, 439 Washington Street, Braintree, Ma representing the business owner, Mike Gardner and Mike Gardner Jr., Jerry Sealand, Rick Bryant the Project Traffic Engineer and David Kelley the Project Engineer.

Attorney Marinelli summarized the Special Permit application to demolish the old Massachusetts Electric building and construct a new Castle Self-Storage. The building will be three stories and have a glass façade with metallic panels. The foot print of the new building is 21,950 SF. There will be 119 units on the 1st floor and 164 units on the second floor and 219 units on the third floor for a total of 502 units. The use shows no perceptible traffic. Castle Storage's Braintree location has 2 vehicle trips per hour which equals 20 trips per day. The submitted plan shows 14 customer parking spaces and they will use the current cub cuts. The hours of operation will be Monday-Friday 8-7; Saturday 8-5 and 10-4 on Sunday. This building includes a state of art security system.

Attorney Marinelli also noted that the Homestead Landing Civic Association has submitted a letter of support as they meet with the Association recently.

Ed Foley asked what the plan was for phase 2 and the applicant responded that this is reserved for a future date and there are no plans at this time.

The applicant noted that the total dollar value on the project is estimated to be at least \$3 Million.

Ed Foley asked if he will use local labor/contractors and Mr. Gardner stated that he has in the past, three times but he will bid it out.

Robert Stevens asked what the applicant's plans were for the back lot as this is a large lot and the special permit application is for a smaller project area. The applicant stated that the front lot plan is separate from the back lot.

The applicant noted that they are aware that storage of hazardous materials is not allowed. There is always someone in the building 24/7 with cameras in the parking lot and additional exhibits were submitted to the Board.

The Chair noted the items submitted this evening will be labeled as follows:

- Exhibit #1 – Brochures
- Exhibit #2 – List of prohibited items
- Exhibit #3 – Rules and Regulations for the facility

There will be no storage of motor vehicles on the site. The current vehicles that are parked there are Weymouth Honda and they will be relocated to another area on the site probably in the back but there will not be any on the proposed area surrounding Castle Self Storage.

Chuck Golden asked why the traffic figures were from Braintree and it was stated because a study was done there and they have the numbers.

Jonathan Moriarty asked where the snow storage will be and it was stated that the snow removal plans are on sheet 4.

Abby McCabe noted that she received comments from the other town departments and they were provided to the Board in the supplemental packet that everyone received in a memo dated February 19, 2014. The Inspector of Buildings submitted comments that the 14 parking spaces was sufficient as storage facilities are unlisted and the minimum required parking is to be determined by the Inspector of Buildings in the Zoning Ordinance. The zoning district also requires a 30-ft front yard landscaped area that may be reduced to 15-ft with approval from the Inspector of Buildings. The submitted plan shows a 25-ft wide landscaped area in the front of the proposed building with trees and shrubbery. She further noted that the applicant submitted revised landscape plans dated February 19, 2014 that show more variety of trees as she asked for more species variety when the plans were initially submitted. She also noted that the project requires review by the Conservation Commission, the Traffic Engineer had requested information from the applicant for Saturday peak hours which has since been provided and the Traffic Engineer is satisfied that there will be no negative impact on traffic with this proposal, and the Department of Public Works submitted a three-page memo dated February 19, 2014. The memo asks for additional information mainly regarding storm water management and drainage. Staff noted that comments regarding storm water drainage will also be reviewed with by the Conservation Commission. The applicant stated that they have reviewed the comments and do not have an issue with any of them.

Jim Clarke asked the applicant to explain what the building will look like. The applicant responded that the building will be deep green with gold and maroon. The windows are a clear glass. The north side will have no overhead doors. MBCI is the company making the panels. No vehicles are allowed in the building.

Public Comment:

James O'Neil, Homestead Avenue, expressed his opinion that the site's proximity to two other storage units was beneficial to the town. The Chair noted that we are taking down the old building, the traffic is minimal and they are landscaping it. Mr. O'Neil does not believe it is beneficial to the neighborhood. The Chair noted that they received a letter from the Homestead Civic Association supporting the project.

Kathy Swain, 134 Mill Street, stated that the landscaping diagram shown at the hearing is fully grown and it looks good. However, she expressed concern over future maintenance. Jim Clarke stated that a condition could be set that the trees have a warranty on them. Mr. Clarke also noted that the Building Department will look at the property to make sure they are kept up as part of the agreement for the permit. She also asked when the lighting would go out in the evening and it was stated by the applicant that there are only security lighting on in the evening.

James O'Neil asked what the setbacks where for the vernal pool and it was stated by Mr. Clarke that it is set by the local wetlands protection ordinance and regulations under the Conservation Commission.

District 4 Councilor Arthur Mathews was present and gave his support to the project. Although a storage facility may not be the ideal use for the site, the proposal is not expected to generate a lot of traffic, does not require further demands on the infrastructure, and will redevelop an existing vacant and underused site. Unfortunately, the site has restrictions and limitations such as the vernal pool.

Jim Clarke noted that Councilor TJ Lacey contacted him and was not able to attend the hearing but gave his support and has expressed a few concerns. The landscaping and building façade should be done properly to improve the streetscape and surrounding area.

Harvey Gordon, Weymouth Honda, gave his support for the proposal stating that there is a lot of vacancies around the town right now. He also agrees there are a lot of storage facilities but there must be need for them.

A motion was made by Ed Foley to close the public hearing on 186 Main Street, Case #3225 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY.

A motion was made by Ed Foley to take this application under advisement and was seconded by Jonathan Moriarty. Further deliberation for this application was continued to the next meeting on March 5, 2014. The Board asked staff to prepare suggested conditions of approval and stated that they would like to see the following:

1. Revised landscaping plan
2. No storage of cars, boats etc. in the property's project area
3. The landscaped area is at least the 25 feet from the front property line
4. And no storage of flammable or hazardous material

APPROVAL OF PRIOR MINUTES

A motion was made by Ed Foley to approve the minutes from January 15, 2014 and January 29, 2014 as written and was seconded by Chuck Golden. VOTED UNANIMOUSLY.

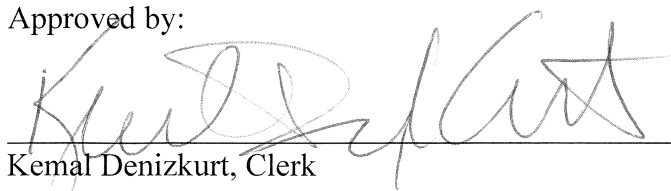
ADJOURNMENT

Ed Foley made a motion to adjourn at 9:30 pm and was seconded by Chuck Golden. VOTED UNANIMOUSLY.

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:


Kemal Denizkurt, Clerk


Date