

BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
July 20, 2011

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, July 20, 2011 at 7 pm at McCulloch Building, Mary McElroy Meeting Room, 182 Green Street, Weymouth, MA 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
 Chuck Golden
 Martin Joyce
 Jonathan Moriarty, Alt.
 Robin Moroz, Alt.

Not Present: Richard McLeod, Chairman
 Edward Foley, Vice-Chairman
 Bob Galewski

Staff: James Clarke, Director, Planning & Development

Recording Secretary: Mary Barker

Kemal Denizkurt called the hearing to order and explained the procedures that would be followed to the people present. A motion was made to open the public hearing and waive the reading of the legal advertisement, and was seconded and unanimously voted.

Reorganization of the Board of Zoning Appeals

A motion was made by Chuck Golden to nominate Richard McLeod, charter member, as Chairman of the Board of Zoning Appeals for the 2011-2012 year; seconded by Jonathan Moriarty and unanimously voted.

A motion was made by Chuck Golden to nominate Edward Foley, charter member, as Vice-Chairman of the Board of Zoning Appeals for the 2011-2012 year; seconded by Jonathan Moriarty and unanimously voted.

A motion was made by Chuck Golden to nominate Kemal Denizkurt as Clerk of the Board of Zoning Appeals; seconded by Jonathan Moriarty and unanimously voted.

BZA CASE #3140 - Public Hearing, 47 Skelley Avenue

Application of Panos Kulturides for property located at 47 Skelley Avenue, also shown on the Weymouth Town Atlas as Sheet 22, Block 296, Lot 14, located in R-1 zoning district, seeking a special permit and /or variance under Chapter 120-51, Table 1 and 120-54 for the installation of a shed within the setback area.

Members sitting: Kemal Denizkurt
 Chuck Golden
 Martin Joyce
 Jonathan Moriarty
 Robin Moroz

Panos and Judith Kulturides appeared before the Board. Applicants requested to install a 10 x 14 ft. shed within 5ft. of the rear yard setback and within 18 ft. of Lake Street. The applicant provided a map with a mark up of the shed location. It will not impact parcels 13 or 15. There isn't sufficient room in the rear yard, and the right side of the property has an a/c unit, trees and a slope. The shed is already erected.

Robin Moroz asked for the distance from setbacks and viewed the applicant's map.

Jonathan Moriarty noted he went to view the property; the shed is free-standing on cinder blocks within the required distance from the lot lines, and is aesthetically pleasing.

Jim Clarke noted the application was routed to the various departments, with no adverse comments; taxes and water payments are current.

Matthew George, 144 Lake Street spoke in support of the application.

To vote on BZA Case No. 3140 – to install a shed within the setback area

A motion was made by Jonathan Moriarty, seconded by Chuck Golden to grant the Special Permit as per plans and application submitted.

FINDINGS

The Board found that the special permit would not derogate from the intent and purpose of the Zoning Ordinance, and the requested relief could be granted without substantial detriment to the public good nullifying or substantially derogating from the intent and purpose of the Ordinance.

1. The specific site is an appropriate location for such a use as the shed cannot fit in the rear of the property.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The public welfare and convenience will be substantially served.

DECISION OF THE BOARD - Due to the above findings, it was unanimously voted to approve the request for a Special Permit, with plan to be filed.

Submission: Map with marked shed location

BZA CASE #3142 - Public Hearing, 412 Washington Street

Application of David Patenaud/Poyant Signs for property located at 412 Washington Street, also shown on the Weymouth Town Atlas as Sheet 24, Block 284, Lot 22, located in B-1 zoning district, seeking a variance under Chapter 120-64.3 for signs to allow new signage of similar dimensions totaling approximately 102 square feet.

Members sitting: Kemal Denizkurt
 Chuck Golden
 Martin Joyce
 Jonathan Moriarty
 Robin Moroz

David Patenaud of Poyant Signs and Doug Valeri and Sean Hurley of Enterprise RentACar appeared before the Board. The applicant is requesting replacing the existing signage with same size, new logo design. The new sign will incorporate a striping along the building and incorporate Enterprise's "swoosh" logo. A building permit was requested 6 months ago. The signage in existence does not comply with the current code. The applicant noted that building permits were granted, and the signs installed in 1997, but the Building Department does not have a record of it. The applicant has an invoice from the sign fabricator that references the building permit issued for the signs, but did not bring it with him. There are three commercial businesses on the property, and the applicant is seeking relief from changes to replace what already exists. The only change proposed to the lighting is a more efficient type that uses less energy. Mr. Patenaud noted that the existing signage totals 83.52 square feet, and the proposed signage is 83.51 square feet. No increase in size is being requested.

Jim Clarke noted the application was routed to the various departments. He has asked the Building Inspector to research the permit application, and there is a question as to whether the striping counts in the overall sign dimension. As the signs currently exist, they are not fully permitted.

Jonathan Moriarty requested the applicant research further for some proof that permits were applied for and received.

Jim Clarke recommended the Board consider continuing the public hearing to the August 24, 2011 hearing to hear testimony from the Building Inspector.

A motion was made by Jonathan Moriarty to continue the public hearing to the August 24, 2011 meeting; seconded by Chuck Golden and was unanimously voted.

BZA CASE #3143 - Public Hearing, 95-99 Bridge Street

Application of C&G Landscaping Corp., dba Gallagher Landscaping for property located at 95-99 Bridge Street, also shown on the Weymouth Town Atlas as Sheet 6, Block 65, Lot 1, located in B-2 zoning district, seeking an extension of special permit for the established use of a 32' x 100' fenced area next to the building located at 95-99 Bridge Street.

Members sitting: Kemal Denizkurt

Chuck Golden
Martin Joyce
Jonathan Moriarty
Robin Moroz

William Cash and John Gallagher of C&G Landscaping, and Paul Kaner, Property Manager of Bridge Street Plaza appeared before the Board. The applicants requested to use an area beside the building at 95-99 Bridge Street to store landscaping equipment. The space has a wooden fence across it; 2 - 10ft. swinging gates, and was previously allowed to be used for storage of a lobster boat, traps, trucks and other commercial equipment by the prior owner. The prior owner left behind the boat, traps and other equipment and the property manager is in the process of having it cleaned up.

Kemal Denizkurt asked the type and number of pieces of equipment that will be stored and the hours of operation for the landscaping business. Mr. Cash responded that there are two trailers, two trucks, a storage container and snow plow. The equipment is picked up around 7AM and returned around 5PM. During snowstorms, the plows go home with the drivers. Pickups and drop-offs will not interfere with the other two businesses on the property. There was some discussion on the height of the fence and storage container. The fence is 9 ft. high, installed 1 ft. off the ground and the equipment will not be visible above the fence. All vehicles in the business are registered and insured. The boat currently on the premises is to be moved, and no other vehicles will be allowed to be stored there. The applicant will clean up the area. No maintenance on vehicles will be done on the premises. No hazardous materials will be stored. Any salt, gasoline, fertilizer, etc. will be purchased on demand and not stored on the property. No changes to be made to lighting or impervious surfaces. There is no consideration for signage requested with the application.

Jim Clarke noted the application was routed to the various departments with the following comments:

- Health Department noted any storage of hazardous materials in excess of 50 gallons or 20 pounds must be registered with the Health Department
- Engineering Division of the DPW has determined the address of the property is 95 Bridge Street.
- 2011 taxes are not paid. Tax collector coordinating payment plan with the owner.

Victor Pap, District Councilor, spoke in support of the application and the clean up of the property. He noted there was a meeting with the applicants and the North Weymouth Civic Association to address the initial concerns of the abutters. The property was an eyesore and attracted seagulls. The access and egress from the property will not impede traffic on Bridge Street.

To vote on BZA Case No. 3143 - to continue the extension of the special permit for the established use; storage of commercial vehicles and equipment

A motion was made by Vice Jonathan Moriarty, seconded by Chuck Golden to grant the Special Permit as per plans and application submitted.

FINDINGS

The Board found that the special permit would not derogate from the intent and purpose of the Zoning Ordinance, and the requested relief could be granted without substantial detriment to the public good nullifying or substantially derogating from the intent and purpose of the Ordinance.

1. The specific site is an appropriate location for such a use of registered and insured vehicles, a storage unit, plows and other commercial landscaping equipment will be stored behind an enclosed area.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town. The prior use of the property was commercial use and storage. Removing the traps, boat and other equipment left by the former tenant will improve the space. Bridge Street is a mix of residential and commercial and there will be no traffic impediment.
3. There will be no nuisance or serious hazard to vehicles or pedestrians. The area is fenced in.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The public welfare and convenience will be substantially served. This will be an improvement of an area unmaintained in the past.

DECISION OF THE BOARD - Due to the above findings, it was unanimously voted to approve the request for a Special Permit, with the following conditions:

1. There will be no storage of hazardous materials.
2. Hours of operation will be 7AM-6PM; 6AM-8PM in summer; exceptions for winter storm or unusual conditions.

BZA CASE #3141 - Public Hearing, 167 Rinaldo Road

Application of Thomas McCue for property located at 167 Rinaldo Road, also shown on the Weymouth Town Atlas as Sheet 11, Block 122, Lot 207, located in R-1 zoning district seeking an appeal from decision of Inspector of Buildings.

A motion was made by Chuck Golden and seconded by Jonathan Moriarty to continue the public hearing to August 24, 2011 at which time the Building Inspector will be present, and unanimously voted.

BZA CASE #3144 - Public Hearing, 102 Weyham Road

Application of Claire & Neal Drew for property located at 102 Weyham Road, also shown on the Weymouth Town Atlas as Sheet 8, Block 111, Lot 29, located in R-1 zoning district, seeking an appeal from decision of Inspector of Buildings.

A motion was made by Jonathan Moriarty and seconded by Chuck Golden to continue the public hearing to August 24, 2011 at which time the Building Inspector will be present, and unanimously voted.

Other Business

BZA Case # 3028 - Minor Modification, 328 North Street

Jim noted that the homeowner has submitted a letter to the Board requesting a minor modification to the application approved on Case 3028 for a special permit for an extension or change of a nonconforming use. Mr. Kabilian appeared before the Board and noted that the request is to modify the footprint in the area where the porch is.

The administration did not think it merited reapplication. Instead of a front porch, the applicant requests a deck be installed; 23ft. x 8 ft. on the front, and 5ft x 12ft. wrap around. A Certificate of Occupancy is pending the decision on the modification.

To vote on BZA Case No. 3028 – 328 North Street, Minor Modification

A motion to approve a minor modification was made by Chuck Golden; seconded by Jonathan Moriarty and unanimously voted.

Minutes

A motion to approve the minutes of the June 15, 2011 meeting, Case #3138, #3139 and #3125 was made by Chuck Golden, seconded by Jonathan Moriarty and unanimously approved.

Adjournment

At 8:20PM, there being no further business, a motion to adjourn the meeting was made by Chuck Golden, seconded by Jonathan Moriarty and unanimously approved.

Approved:

Kemal Denizkurt, Clerk

Date