

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
October 6, 2010**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, October 6, 2010 at 7 pm at McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA for the purpose of passing on the applications 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:                Richard McLeod, Chairman  
                         Edward Foley, Vice-Chairman  
                         Chuck Golden  
                         Francis Kenneally  
                         Robert Galewski  
                         Kemal Denizkurt

Staff:                    Rod Fuqua, Principal Planner

Recording Secretary   Mary Briggs

The Chairman 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.

**BZA CASE #3096 – Public Hearing, (cont.), Norma Road**

Application of Kenneth Ryder for property located at Norma Road, also shown on the Weymouth Town Atlas as Sheet 24, Block 318, Lot 104, located in R-1 zoning district, seeking a variance from the minimum upland lot area due to the Planning Board rules and regulations of a minimum radius turn-around on the street and the locus of the wetlands substantially limits the applicant's buildable area.

Members sitting:     Richard McLeod  
                         Edward Foley, Vice-chairman  
                         Chuck Golden  
                         Francis Kenneally  
                         Robert Galewski

A motion was made by Edward Foley, seconded by Francis Kenneally, to continue the public hearing to November 17, 2010 and was unanimously voted.

**BZA CASE #3103 -Public Hearing, 141 Broad Street**

Application of RCL Realty Trust, LLC for property located at 141 Broad Street, also shown on the Weymouth Town Atlas as Sheet 20, Block 274, Lot 17, located in R-4 zoning district, seeking a special permit or variance under Chapter 120-53 to subdivide property so that the commercial business is on a separate lot from the multi-family dwelling.

Members sitting:     Richard McLeod, Chairman  
                         Edward Foley, Vice-chairman

Chuck Golden  
Francis Kenneally  
Robert Galewski

A motion was made by Edward Foley, seconded by Francis Kenneally, to continue the public hearing to November 3, 2010 and was unanimously voted.

**BZA CASE #3108 Public Hearing, (cont.) South Shore Hospital, 55 Fogg Road and properties on Columbian Street and Main Street**

Application of South Shore Hospital, 55 Fogg Road and properties on Columbian Street and Main Street; Sheet 45, Block 518, Lots 11, 14 and 37; Sheet 45, Block 519, Lots 1, 3, and 5; Sheet 45, Block 520, Lots 1, 3, 4, 8, 9, 10, 11, 12 and 14 in an MSD zoning district for signage and modifications to existing signage.

Members sitting:      Richard McLeod, Chairman  
                                 Edward Foley, Vice-chairman  
                                 Chuck Golden  
                                 Francis Kenneally  
                                 Kemal Denizkurt

A Motion was made by Francis Kenneally to open the public hearing and waive the reading of the public notice and was seconded by Chuck Golden. Unanimously voted.

David Kelly, Esquire with offices at 536 Granite Street, Braintree, Robert Rodak, Facilities Planning Director, South Shore Hospital and Boyd Morrison, Director, of Gamble Design represented the applicant.

Chairman McLeod noted that he maintains a professional office in the same building at Atty. Kelly which would not present a conflict of interest and asked if anyone present objected to him hearing this case. There was no objection.

Atty. Kelly noted the request is in three parts: a request for a variance for the wall signs, a variance for the ground signs and a modification of a prior permit for directional signage. The board will consider the request in three parts.

There are two proposed wall signs; one on the north facing side and a larger one on the south facing side of the cancer center building. Mr. Morrison presented the proposed signs. They are pin mounted dimensional satin finished aluminum letters and are proportionately appropriate to the façade of the building. The sign on the north facing wall is to be washed in low voltage led lighting directed from the back side of the rooftop garden and can be baffled. Francis Kenneally asked what time the center is open to in the evenings. The aggregate of the two signs exceeds the 75 square foot maximum allowed by ordinance by an additional 34.5 feet. The intent is to give a long distance view both on Route 18 and Columbian Street. A single sign is not visible from all entrances to the center.

Chairman McLeod asked if there have been complaints by the patients about the directions to the center. Robert Rodak noted that the center is scoring in the “needs improvement” range with regard to way-finding in data from the Department of Public Health. Mr. Morrison responded that the average patient coming to the cancer center is from outside of the town and is stressed and is not looking for the South Shore Hospital but the Cancer Center at the South Shore Hospital campus. Most of the traffic will drive to the center from the north and south directions, but the entrance is on the east side. There is a need to remove as many obstacles in the way-finding process as possible by sequential directional signage. Rod Fuqua asked from what areas is the center drawing patients; Rose DiPietro of the SSH noted that it was initially primarily Weymouth, Braintree, Quincy, Hingham and Hull but is now drawing from towns along Route 24. Rod Fuqua noted that surrounding trees would block signage for six months of the year; Mr. Rodak responded that the surrounding trees are coniferous. Rod noted there are already regulation blue hospital signs directing traffic to the SSH. Mr. Morrison noted those signs are MA DOT directed and the intent is to further disseminate the directions to the center. Mr. Fuqua asked what branding methods were used to direct people to South Shore Hospital and the Cancer Center. Mr. Morrison noted that it is more an effort at improving way-finding. Mr. Foley asked if Dana Farber or Brigham & Women’s were a party to the signage request, and how the signage compares to the Boston affiliates. Mr. Morrison noted that it is at the request of Dana Farber, Brigham & Women’s and SSH and that the Longwood Avenue area of Boston is a different configuration with different requirements than this location.

The proposed ground sign will be on the north lawn facing along Rt.18, internally illuminated and identifying the center and its affiliation with the Boston hospitals. The ordinance calls for no more than one ground sign per site and the current sign is not visible from Route 18.

The third request is a modification of an existing special permit. The older SSH sign will be retrofitted to a design in keeping with the rest of the signs on the campus, and an existing one will be relocated.

Atty. Kelly noted the requests meet the criteria for the variances and modification given the uniqueness of the limited MSD zoning.

The Board decided to split the vote into three sections.

1. To vote on the modification of BZA Case No. 3044 to allow a relocation of grand signs in keeping with the South Shore Hospital Campus wide directional signage.
2. To vote on the variance to allow two lighted building mounted wall signs on the Cancer Center.
3. To vote on the variance to allow a ground mounted sign for the Cancer Center.

Robert Rodak was asked if he had specific way-finding data materials that he could provide to the board. He did not.

A MOTION to close the public hearing was made by Francis Kenneally and was seconded by Robert Galewski. Unanimously voted

**1. To vote on the modification of BZA Case No. 3044 to allow a relocation of grand signs in keeping with the South Shore Hospital Campus wide directional signage.**

A motion was made by Edward Foley, seconded by Kemal Denizkurt to approve the application for a modification of the existing special permit Case # 3044 as per plans and application permitted.

**FINDINGS**

The Board found that the modification of the special permit Case No. 3044 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 applicant has met the criteria in zoning under Chapter 120-122D.
2. The specific site is an appropriate location for such a use. The site is a hospital campus.
3. The use involved will not be detrimental to the established or future character of the neighborhood or town. The request is a minor modification to an existing special permit.
4. There will be no nuisance or serious hazard to vehicles or pedestrians. The signage will aid in directing people.
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
6. The public convenience will be substantially served with the improved way-finding abilities.

**DECISION OF THE BOARD** Due to the above findings, it was unanimously voted to approve the request for a modification of an existing special permit.

**2. To vote on the variance to allow two lighted building mounted wall signs on the Cancer Center.**

**DECISION OF THE BOARD**

Due to the above findings, it was unanimously voted to approve the request for a variance for wall mounted signs with the condition that the signage on both faces of the wall be extinguished daily at 8:00 P.M.

**3. To vote on the variance to allow a ground mounted sign for the Cancer Center.**

**FINDINGS**

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

A motion was made by Edward Foley to deny the request for a variance for the ground signs, seconded by Chuck Golden citing:

1. The applicant has not shown there is sufficient hardship due to the health of people seeking.
2. The variance for wall signage adds sufficient additional signage.
3. The matter can be addressed again in the future if the applicant can provide proof that patients are experiencing difficulty as a direct result of a lack of signage.

#### DECISION OF THE BOARD

Due to the above findings, it was unanimously voted to deny the request for a variance for ground signs.

#### **BZA CASE #3102 – Public Hearing, Decision, 127 Birchbrow Avenue**

Application of Mary Christoi for property located at 127 Birchbrow Street, also shown on the Weymouth Town Atlas as Sheet 4, Block 54, Lot 27, located in R-1 zoning district, seeking a special permit and/or variance under Chapter 120-40, to add a second story addition, part of which lies within the setback area.

Members sitting:      Richard McLeod, Chairman  
                                 Edward Foley, Vice-chairman  
                                 Chuck Golden  
                                 Francis Kenneally  
                                 Robert Galewski

A motion was made by Chuck Golden, seconded by Francis Kenneally to continue deliberation on this matter at the request of the applicant and was unanimously voted.

Ms. Christoi acknowledged her neighbors' concern with privacy and noted that if anything is added at a later date, she will provide sufficient greenery to maintain privacy.

A motion was made by Edward Foley, seconded by Robert Galewski to close the public hearing and was unanimously voted.

A motion was made by Edward Foley to approve the request for a special permit, seconded by Francis Kenneally, citing the following:

1. Building permits must be issued prior to the onset of any work.
2. The rear of the building has a sliding door on the second floor. A rail is required, flush mounted on the exterior face of the building, as allowed by Building Code.
3. All municipal fees and taxes, including any fines or penalties for starting without a proper permit shall be paid in full before any permit is issued.
4. All building permits shall be properly issued before any construction proceeds on the addition.

5. A shield of trees, 6-8 feet minimum in height (arbor vitae, or similar evergreen shrubbery) will be planted to 15 feet beyond the furthest edge of the house before construction begins to form a tight fencing.

### **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. There will be no closer encroachment to the property line.
2. The specific site is an appropriate location for such a use as a single family.
3. The use involved will not be detrimental to the established or future character of the neighborhood or town, as a single family neighborhood.
4. There will be no nuisance or serious hazard to vehicles or pedestrians, there is no change in access.
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
6. The public 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.

### **MINUTES**

A motion was made by Edward Foley to approve the minutes of the September 8, 2010 meeting, seconded by Robert Galewski and voted unanimously.

### **OTHER BUSINESS**

Rod extended an invitation from Mary Ellen Schloss to the Conservation Meeting on October 13, 2010. A representative will be present to discuss flood plain management. The Board requested Ms. Schloss to provide a preview in advance of the meeting.

### **ADJOURNMENT**

At 8:15 PM, there being no further business, a motion was made by Robert Galewski to adjourn the meeting, seconded by Francis Kenneally and voted unanimously.

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Richard McLeod, Chairman

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Date