

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
MARCH 18, 2009**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, March 18, 2009, at 7:00pm at McCulloch Building 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 the public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

**BZA CASE #3031 1373 Washington Street**

Application of 1373 Washington Street, LLC for property at 1373 Washington Street, also shown on the Weymouth Town Atlas Sheet 35, Block 448, Lot 10, located in an Highway Transition (HT) zoning district seeking a special permit and/or variance under Article XIII, Chapter 120-39 and 120-40 for a special permit to continue the existing use of storage of commercial vehicles and an extension of the nonconforming use by operating the construction business at the property. The construction equipment that would be stored outdoors includes trucks, loaders and industrial compressors. The applicant also seeks to remove the small stone building and extend the larger building for office space

Present:	Richard McLeod, Chairman Mary McElroy, Clerk Charles Golden Kemal Denizkurt Robert Galewski
Staff:	Rod Fuqua, Principal Planner
Recording Secretary:	Janet Murray

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.

Attorney Gregory Galvin appeared before the Board with the applicant Mr. Camaletti. Mr. Galvin stated that Mr. Camaletti is the owner of a utility construction company with a location in Rockland. He is seeking to acquire the property at 1373 Washington Street and to move his business to this location. The property was B-2 prior to the change to Highway Transition (HT).

Mr. Galvin stated that the property is owned and occupied by two businesses. Mr. Wilkinson is the owner. He noted that there are a number of trailers on the site.

Mr. Galvin stated that the applicant would be the sole occupant of property, storing commercial vehicles on the property such as trucks, loaders, industrial compressors; similar to what is present now. He intends to modify the buildings, somewhat. The large building to the front would have an extension which would require the removal of a small stone building next to the large building.

There would be parking out front. A landscaping plan has been submitted. An island is proposed to be built at the property line of Washington Street, to protect cars on the site and to give a little green to the front of the building.

The abutting property is owned by the Bristol family and is used for industrial purposes. Mr. Galvin noted that there are some residential properties, however the topography, trees, and undergrowth provide screening.

Mr. Galewski asked what the height of the island would be. Mr. Camaletti stated that it would be a six inch curb.

Mr. Denizkurt asked if there would be any construction performed on the site. Mr. Galvin stated that there may be maintenance of equipment. There are five bays in the building to the rear which would be for storage. The front building will have five offices. This building currently has 500 square feet and will have 2000 square feet with the addition.

Mr. Denizkurt asked about parking. Mr. Galvin noted that this type of business does not have much drop in clients. The parking would be for the office staff. He pointed out that there is sufficient parking in the rear. More striping could be added to the front.

Mr. Fuqua stated that there would probably be a need for 21 spaces. He noted that based on the sheer size of the site a specific parking calculation was not done. The concern was about the island to block vehicles from backing onto Washington Street.

Mr. Galewski asked if outside repairs would be done. Mr. Camaletti stated that 90% of the repairs are done inside. Mr. Galewski suggested that an "additional parking in rear" sign be installed.

Mr. Fuqua stated the application was routed to various Town Departments and received favorable or no adverse comments. Standard comments were made by DPW regarding utility connections, which will be addressed at the building permit level.

Mr. Fuqua noted that the plans have been modified to show a planter. Mr. Fuqua also noted that the building to be removed has Weymouth seam face granite. He asked if this could be incorporated in the addition. Mr. Camaletti noted that this did not fit. The addition will be brick.

Mr. Galvin stated that there could be further discussion regarding the possible re-use of this building. Mr. Fuqua stated that this is not a requirement of the application, however Mr. Fuqua suggested that the applicant look into having the building moved or saved if possible.

The Chairman asked if the public had any comments, to which there was no reply.

A MOTION to close the public hearing was made and seconded, and was UNANIMOUSLY VOTED.

A MOTION was made by Mrs. McElroy to APPROVE the request for a SPECIAL PERMIT to continue the existing use of storage of commercial vehicles and an extension of the nonconforming use by operating the construction business at the property with the following conditions:

- (1) An "additional parking in rear" sign and parking stripes shall be installed.
- (2) There shall be no operations on Sunday.

The construction equipment that would be stored outdoors includes trucks, loaders and industrial compressors. The applicant also seeks to remove the small stone building and extend the larger building for office.

The Board finds that, in its judgment; all of the following conditions are met:

- (1) The specific site is an appropriate location for such a use.
- (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 convenience and welfare will be substantially served.

The MOTION was seconded by Mr. Golden and was UNANIMOUSLY VOTED.

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.
- (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 convenience and welfare will be substantially served.

DECISION OF THE BOARD:

The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings, it was UNANIMOUSLY VOTED to APPROVE the request for a SPECIAL PERMIT to continue the existing use of storage of commercial vehicles and an extension of the nonconforming use by operating the construction business at the property with the following conditions:

- (1) An "additional parking in rear" sign and parking stripes shall be installed.
- (2) There shall be no operations on Sunday.

The construction equipment that would be stored outdoors includes trucks, loaders and industrial compressors. The applicant also seeks to remove the small stone building and extend the larger building for office.

The Board finds that, in its judgment; all of the following conditions are met:

- (1) The specific site is an appropriate location for such a use.

- (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 convenience and welfare will be substantially served.

**BZA CASE #3030 167 Idlewell Blvd.**

Application of The Daugherty Trust for property at 167 Idlewell Blvd., also shown on the Weymouth Town Atlas Sheet 9, Block 139, Lot 13, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-41 to replace an existing building that is in a state of disrepair by age and neglect that is damaged by more than 75% of its value.

Present:	Richard McLeod, Chairman
	Mary McElroy, Clerk
	Kemal Denizkurt
	Chuck Golden
	Robert Galewski
Staff:	Rod Fuqua, Principal Planner
Recording Secretary:	Janet Murray

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.

Mr. Paul Daugherty and Mr. Todd Burchard appeared before the Board. Mr. Burchard pointed out that the cost of repairing the house to living standards. The foundation through roof requires substantial work in addition to mold remediation. The cost of this work far exceeds the cost of tearing the house down.

The proposed plans would increase the size of the new home. The old house 19 ½ feet x 36 ½ feet. The new house would be 24 feet x 40 feet. The foot print on the property would be increased by 35%. The garage is 18x15 and would be increased to 22x16, which is an increase of 30%. The lot is small. However, with today's living standards, the home would be a very small one bedroom. The house would have a second floor which complements the neighborhood as it is a cape.

Land value versus the size of the house will be impacted with a limitation of building a small house. The new house would be tight on the lot but is in a cottage style neighborhood and would complement the neighborhood as it is a cape.

Mr. McLeod asked if there is anyone living in the house at this time. Mr. Burchard stated that no one has lived in the house since December 2008.

Mr. McLeod asked about centering the house on the lot? Mr. Burchard stated that the intent is to leave enough side yard setback for a driveway to the garage.

Mrs. McElroy noted that the Building Inspector's letter states that the plan as proposed does not qualify for special permit relief under section 120-41 because of the increase in size from the 846 square feet to 1312 square feet which is a 55% increase.

Mr. Burchard stated that he is not sure how the Building Inspector is making his calculations.

Mr. Burchard stated that the applicant has considered doing away with the garage. This would bring coverage down to 690 square feet which is less than current coverage.

Mr. McLeod stated that revised plans would be needed. He asked the applicant if he would want a continuance or a withdrawal.

Mr. Fuqua stated that there are several issues with the footprint and size of the proposed dwelling as well as the change from a one story to two story.

Mr. Fuqua stated that a withdrawal would give the applicant a chance to go back and meet with the Building Inspector and work on his own time frame and schedule. A continuance has to be date specific. He questioned if everything can be reassessed and plans submitted within a three week period.

The applicant requested to withdraw the application without prejudice.

A MOTION was made by Mrs. McElroy to CLOSE the public hearing and was seconded by Mr. Golden and UNANIMOUSLY VOTED.

A MOTION was made by Mrs. McElroy to APPROVE the request to WITHDRAW WITHOUTH PREJUDICE and seconded Mr. Golden, and was UNANIMOUSLY VOTED.

### **BZA CASE #3032 322 Pleasant Street**

Application of Angelucio Gomes for property at 322 Pleasant Street, also shown on the Weymouth Town Atlas Sheet 42, Block 493, Lot 7, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-13(A)39 to convert an existing single family dwelling to a two family dwelling.

Present:	Richard McLeod, Chairman Edward Foley, Vice-Chair Mary McElroy, Clerk Chuck Golden Francis Kenneally
Staff:	Rod Fuqua, Principal Planner
Recording Secretary:	Janet Murray

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.

Mr. Gomes appeared before the Board. He stated that he would like to turn his house into a two-family to help him keep the house. He pointed out that there are existing two and three family homes surrounding his property.

Mr. McLeod asked how old the house is. Mr. Gomes stated that it is 51 years old.

Mr. McLeod asked where the second unit will be. Mr. Gomes stated that the second unit would be on the 2<sup>nd</sup> floor which has three bedrooms, a bathroom, and another room. It would be a two bedroom apartment. A kitchen would be added. The 1<sup>st</sup> floor has one bathroom. The garage would be changed into a master bedroom. The second apartment would be rented out.

There are other two families that were built prior to the zoning regulations.

Mr. McLeod expressed concern regarding the lack of plans. He asked if the exterior would be changed. Mr. Gomes stated that the exterior would not change. As to parking there are two spaces on the right side of the house and there is a driveway on the left side. There is space for five cars.

Mr. Galewski noted that the plans do not show the entrance and is lacking detail.

Mr. Gomes stated that the stairs to the second floor would be built on the side of the house. Rod Fuqua stated the application was routed to various Town Departments and received the following comments:

- Conservation Commission had no comment.
- Health Department had no objections.
- Police Department had no comment.
- Fire Department had no concerns.
- DPW (Water, Sewer, Engineering, Highway) noted that the survey monument marking the layout of Pleasant Street is not to be disturbed during construction.
- School Department had no special concerns.
- Tax Department noted that taxes and utilities are current.

The Chairman asked if the public had any comments, to which there was the following comment.

Paul MacIntyre, 323 Pleasant Street, is concerned about the exterior stairs being open. He would like to see the stairway enclosed or moved to the rear. He stated that otherwise he does not object to the project.

Mr. Golden stated that he has a difficulty with the fact that there is a lack of plans.

Mr. McLeod stated that the applicant has not provided plans showing other two families in the area. He noted that these documents are available at the Assessor's Office. Also there are no plans showing details of changes and parking. Other homes were built as two families; this home was built as a single family.

Mr. McLeod suggested that the applicant consider withdrawing without prejudice

A MOTION to close the public hearing was made by Mrs. McElroy and seconded by Mr. Denizkurt, and was UNANIMOUSLY VOTED.

A MOTION was made by Mrs. McElroy to APPROVE the request to WITHDRAW WITHOUT PREJUDICE and was seconded by Mr. Golden and UNANIMOUSLY VOTED.

**MINUTES – 2/25/09**

A MOTION was made and seconded to approve the Minutes of February 25, 2009 and was UNANIMOUSLY VOTED.

**ADJOURNMENT**

The meeting was adjourned at 8:00 P.M.

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Mary McElroy, Clerk

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Date