

**BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
May 21, 2008**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, May 21, 2008, at 7:00pm 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 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 #3008 90 Libbey Parkway

Application of WND Libbey Parkway for property at 90 Libbey Parkway, also shown on the Weymouth Town Atlas Sheet 33, Block 433, Lot 4, located in a Planned Office Park (POP) zoning district seeking a special permit and/or variance under Chapter 120-74.1 & 120-117 for a variance for medical office parking.

Present:	Richard McLeod, Chairman
	Mary McElroy, Clerk
	Charles Golden
	Donald Holzworth
	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.

Attorney David Kelly appeared before the Board along with Timothy White, property owner, and Fayssal J. Hussein, of Nitsch Engineering.

Mr. Kelly stated that the relief sought is to convert some remaining office space to a medical use tenant. Currently the building is a mixed use building. There is an existing industrial use (22,000 square feet) that will remain. There are two tenants interested in occupying 17,426 square feet of space.

The applicant is requesting a parking variance of 174 spaces due to the change of use in the building from general office to medical office. This request is site specific. The plan submitted has been certified by Neil Murphy,

Mr. Kelly stated that the rear of the property is wetlands and within jurisdiction of the Conservation Commission. He stated that the applicant has met with Mary Ellen Schloss and completed a site walk. It was decided to first request a variance from the Board of Zoning Appeals first, before going to the Conservation Commission.

Mr. Kelly stated that the soil, topography, and wetlands prohibits expansion of parking area. He stated that the hardship to the applicant is that the demand is for medical usage. The applicant

has had to say no to medical because of the parking requirement. Mr. Kelly pointed out that a finding of no substantial detriment must be made along with the variance.

Mr. Hussein reviewed the existing parking and noted that it can handle existing medical use without additional spaces. He stated that an independent traffic study of the site as it relates to parking. There are several steps: data is collected, references from institutes are obtained, and a review of the town's zoning regulations is completed.

Mr. Hussein reviewed the findings of the parking study. He stated that the peak usage time is around noontime and the lot was only half full. It is his contention that the added medical usage will not fill the lot.

Mr. Hussein stated that Weymouth's parking requirements are conservative for medical office use (10 spaces per 1000 square feet) when compared to surrounding towns and national institutes. The standard requirements are generally 1 space per 750 square feet for general office use, and 1 space per 200 square feet for medical office use

Mr. Fuqua stated that this building was built for industrial usage but the building is no longer used for this purpose. The building is now multi-use. There is office space, medical office, and some warehousing space. The site does not allow for all the parking that is required if the entire building is occupied.

Mr. Golden pointed out that the applicant is requesting a variance for a total of 40 percent of the total parking requirement.

Mr. Holzworth asked if the required number of handicap spaces are provided with the additional medical usage. Mr. Hussein stated that the total number of parking spaces is not being changed so no additional handicap spaces are required.

Rod Fuqua stated the application was routed to various Town Departments and received the following comments:

- Conservation Commission submitted a memo dated 5/20/08.
- Health Department had no objections.
- Police Department asked that there be a review of demand on parking, review was received and reviewed this evening.
- Fire Department had no comment.
- DPW (Water, Sewer, Engineering, Highway) had no comment.
- School Department stated that this presents no special concerns.
- Tax Department noted that taxes are up to date as of 5/1/08. Total due water and sewer includes two bills due 5/6/08 and 5/14/08.

It was noted that Weymouth has an extraordinarily high requirement for medical use parking. It is over double of the industry standard, which is in keeping with the applicant's request for an approximately 40 percent

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 Mr. Kenneally to APPROVE the request for a SPECIAL PERMIT, and due to the hardship created by the wetland topography of the lot a VARIANCE for medical office parking. 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 Mrs. McElroy and was UNANIMOUSLY VOTED.

FINDINGS:

The Board found that the SPECIAL PERMIT and VARIANCE 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 and due to the hardship created by the wetland topography of the lot a VARIANCE for medical office parking. 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.

Case # 3004 – 204 Bridge Street – Field Change

Present: Richard McLeod, Chairman
Mary McElroy, Clerk
Charles Golden
Donald Holzworth
Francis Kenneally
Staff: Rod Fuqua, Principal Planner
Recording Secretary: Janet Murray

Mr. Fuqua stated that the Land of Paws, 204 Bridge Street, Case #3004, is requesting a field change for sign placement. The approved placement of the sign will not have clear visibility from Bridge Street/Route 3A. The building will obstruct the view of potential customers driving south on 3A from Quincy. Also, when driving north on 3A from Hingham the setback is such that there is obstruction from a fence and large shrubs.

The request is to move the sign 2 feet behind the existing fence. The placement of the sign is in keeping with the spirit and intent of the decision. It is also in keeping with the placement of signs along Bridge Street.

A MOTION to approve modification as a field change to Case # 3004 - 204 Bridge Street was seconded and UNANIMOUSLY VOTED.

Adjournment

A MOTION was made and seconded to ADJOURN the meeting at 7:30 P.M. and was UNANIMOUSLY VOTED.

Mary McElroy, Clerk

Date