

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
November 5, 2008**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, November 5, 2008, 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 #3025 1047 Front Street (cont.)**

Application of Weymouth Housing Authority for property at 1047 Front Street, also shown on the Weymouth Town Atlas Sheet 41, Block 457, Lot 35, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-40 & 120-74.

Present:	Richard McLeod, Chairman George Berg Francis Kenneally Kemal Denizkurt Charles Golden
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. Roland Moussally of the Weymouth Housing Authority (WHA) and Ms. Diane Evers, principal architect, appeared before the Board. Mr. Moussally stated that updated plans have been submitted.

Mr. Berg noted that the plan calls for retaining walls on both the north and south sides of the body. He asked about the railings. Ms. Evers stated that the railings/fencing would extend as far as necessary. She noted that there will be railing/fencing all along the length of the retaining wall for safety reasons.

Mr. Fuqua stated that it would appear that three parking spaces are the most that can be expected on this site without installing a circular driveway. This would be difficult due to the size of the lot and would involve stacking of cars.

Mr. Fuqua asked where the catch basins would tie in to. Ms. Evers noted that there will be a leaching galley on the property with a gravel bed.

Mr. Fuqua asked if soil testing has been done. Ms. Evers stated that this has not been completed. Mr. Fuqua stated that he would recommend that the applicant submit a drainage assessment to the DPW as a condition.

Mr. Denizkurt asked if there was any means to get to the rear yard. Ms. Evers stated that there is not. Ms. Evers stated that stairs could be installed to access the backyard. Mr. Moussally stated that if the application is approved work would be done to maintain the rear of the property. Mr. Moussally stated that the intent is to have minimal landscaping.

Mr. Golden asked about the number of parking spaces in a typical senior housing project. Mr. Moussally stated that the number of cars per unit is usually one. He stated that statistically in the town the number of parking spots at senior housing complexes is 1.4. He pointed out that the Cadman Towers statistically has less than one car per unit.

Mr. Fuqua stated that when this property was permitted to be residential there is a condition that the exterior of the building to be maintained in the Queen Anne Style. He stated that there is a memo from Mr. Clarke detailing this.

Mr. Kenneally asked if there would be a deed restriction regarding the age of occupants. Mr. Fuqua stated that this was not proposed at this time. He stated that this age restriction is part of the application from the Redevelopment Authority.

Ms. Evers asked if vinyl shingles would be acceptable as long as it is in the Queen Anne style. Mr. Fuqua stated that this is more of a technical issue and can be discussed with the Building Department during the permit process.

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.

### **VARIANCE**

Due to the shape and topography of the lot A MOTION was made by Mr. Golden to APPROVE the request for a VARIANCE as per plan entitled "The Grange Hall Building, 1047 Front Street", drawn by D. P. Evers Architecture, dated November 2008, for three parking spaces instead of four with the condition that the applicant work with the town on the size of handicap parking spaces.

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. Berg and was UNANIMOUSLY VOTED.

**SPECIAL PERMIT**

A MOTION was made by Mr. Golden to APPROVE the request for a SPECIAL PERMIT for a change of a non-conforming from a place of assembly to a two family dwelling with the following conditions:

- (1) Architectural style - “the rehabilitation of the exterior of the building include the repair and replacement of the Queen Anne style architectural element. The exterior plans shall be reviewed by the town of Weymouth prior to issuance of the building permit.” This will include railings that maintain the period and style of the building.
- (2) Landscaping in rear yard will be consistent in materials and style to the neighborhood.
- (3) Access will be provided to the rear of the property by stairs or ramp.
- (4) Drainage assessment will be provided to Department of Public Works.
- (5) The property will be connected to the town sewer system.
- (6) The property will be maintained as senior housing in perpetuity.

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. Berg 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 for a change of a non-conforming from a place of assembly to a two family dwelling with the following conditions:

- (1) Architectural style - “the rehabilitation of the exterior of the building include the repair and replacement of the Queen Anne style architectural element. The exterior plans shall be reviewed by the town of Weymouth prior to issuance of the building permit.” This will include railings that maintain the period and style of the building,
- (2) Landscaping in rear yard will be consistent in materials and style to the neighborhood.
- (3) Access will be provided to the rear of the property by stairs or ramp.
- (4) Drainage assessment will be provided to Department of Public Works.
- (5) The property will be connected to the town sewer system.
- (6) The property will be maintained as senior housing in perpetuity.

and due to the shape and topography of the lot a VARIANCE as per plan entitled "The Grange Hall Building, 1047 Front Street", drawn by D. P. Evers Architecture, dated November 2008, for three parking spaces instead of four with the condition that the applicant work with the town on the size of handicap parking spaces.

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 #3026 between 1379-1391 Main Street**

Application of Bronson Real Estate, LLC for property between 1379-1391 Main Street, also shown on the Weymouth Town Atlas Sheet 57, Block 624, Lot 17, located in an R-1/Highway Transition (HT) zoning district seeking a special permit and/or variance under Chapter 120-22.8-C and 120-64.3B for a special permit for new structure containing a clinic or office of business “medical/veterinarian” and variance to allow two freestanding signs, one customary sign also on the frontage and smaller 3’ sign in front of the building in lieu of a wall sign.

Present:	Richard McLeod, Chairman
	Edward Foley, Vice-Chairman
	Mary McElroy, Clerk
	Francis Kenneally
	Charles Golden
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.

Joshua Bowes, Merrill Associates, appeared before the Board. Also present was Grace Strake, President of Bronson Real Estate, LLC. Mr. Bowes stated that the property is at 1389 Main

Street, the former site of the Mohawk Lodge, south of railroad tracks. The site is 1.8 acres and there are still remnants of the former use such as the old foundation and pavement consisting of about 26,000 square feet of impervious area.

The site is located in both the R-1 in the rear and HT in the front. He noted that there would be no work in the R-1 zone. He also noted that there are no wetlands as of Conservation Commission memo dated 4/10/08. There is commercial use surrounding sites.

The site coverage would be 6,000 square feet. The building would be two stories with 7,900 square feet of floor area. Copage Associates, which is located in Ohio, is the architectural firm designing the building.

The building would have six exam rooms, a lab, a pharmacy, a treatment area, and a surgical area.

There is an existing curb cut that may be narrowed pending Mass Highway review and approval. There will be parking in the front of the building and on the south side of the building. The required parking is 39 spaces. The plan calls for 40 spaces with two handicap spaces.

The applicant is also requesting a sign variance to allow two free standing signs rather than one free standing sign and one wall sign. The signs are more for identification.

The property will be tied into town water and sewer. The applicant has met with DPW to review utility connections.

There will be onsite storm water management system to handle run off from the site. The water currently flows in a northerly direction. Under proposed conditions this flow would be maintained. He noted that the amount of impervious area will be reduced from 25,000 square feet. The proposal calls for 22,500 square feet of impervious area which will reduce the amount of runoff. Runoff will be collected and infiltrated into a system under the parking lot. Four catch basins are proposed. Two roof runoff infiltration systems will collect this water. Overall drainage will be reduced. Soil testing and borings have been performed and the soil is decent.

The landscaping plan calls for white pines, winter creeper, dogwood, rhododendrons (low maintenance) along the borders of the site. There will also be a six foot tall wooden fence along residential abutting properties. The lighting plan shows shoe box style, non spillover lighting.

South Coastal animal hospital will be relocated to this site.

The site is currently covered with debris and has been used as spillover parking for adjacent commercial properties. In addition it is used as a shortcut from the abutting neighborhood to Route 18. Once the site is developed these uses are less likely to happen.

An informal session for the abutting neighborhood was held; two residents attended and one called for information.

There will be two entrances; one for employees and one for customers. The current sign will be moved from existing site to this new facility, as the sign requested on the variance.

The ground mounted sign will have minimal visibility from Main Street and will function as a directional or identification for the main entrance for customers.

The facility will offer cat boarding (noted as cat condos on the plans) but will not offer canine boarding services.

Mr. Foley asked about the VCA's proximity to the proposed site. Ms. Strake noted that VCA is an emergency facility and referral center and the applicant works with them to care for animals.

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

- Conservation Commission concluded that the area is not subject to protection under the Wetlands Protection Act (MGL C.131 S 40) of the Weymouth Wetlands Protection Ordinance.
- Health Department had no objections.
- Police Department had no issues.
- Fire Department had no comment.
- DPW (Water, Sewer, Engineering, Highway) noted that all utilities to be according to DPW design and specifications.
- School Department noted no special concern.
- Tax Department noted that real estate charges are paid to date.

Mr. Fuqua noted that there is a shed on the far corner of the property which may be an encroachment of an abutter. He stated that the decision does not affect or have bearing on encroachment. This would be a civil matter up to the owner to pursue as to whether the encroachment is allowed to remain or not.

Mr. Fuqua noted that the town's traffic engineer looked at future impact of road widening and the rebuilding of the railroad bridge. He has made a conceptual guess that the landscaping would be reduced by 10 feet. He also noted that when the bridge is rebuilt the monument sign's visibility will be further blocked.

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.

### **VARIANCE**

A MOTION was made by Mr. Foley to APPROVE the request for a VARIANCE to allow two freestanding signs, one customary sign also on the frontage and smaller 3' sign in front of the building in lieu of a wall sign - no other signage is to be placed on the building and with the following conditions:

- (1) This decision does not affect or have bearing on the shed encroachment.
- (2) All utilities will be to DPW design and specifications.

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.

### **SPECIAL PERMIT**

A MOTION was made by Mr. Foley to APPROVE the request for a SPECIAL PERMIT for a new structure containing a clinic or office of business “medical/veterinarian” as per plans submitted with the following conditions:

- (1) This decision does not affect or have bearing on the shed encroachment.
- (2) All utilities will be to DPW design and specifications.

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 for new structure containing a clinic or office of business “medical/veterinarian” as per plans submitted, and VARIANCE to allow two freestanding signs, one customary sign also on the frontage and smaller 3’ sign in front of the building in lieu of a wall sign with the following conditions:

- (1) This decision does not affect or have bearing on the shed encroachment.
- (2) All utilities will be to DPW design and specifications.

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.

**MINUTES – 10/15/08**

A MOTION was made and seconded to approve the Minutes of October 15, 2008 and was UNANIMOUSLY VOTED.

**ADJOURNMENT**

A MOTION was made and seconded to adjourn the meeting at 8:00 P.M. and was UNANIMOUSLY VOTED.

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Mary McElroy, Clerk

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Date