

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
November 14, 2007**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, November 14, 2007, 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.

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

**BZA CASE #2886R 39 Regatta Road**

Application of Jack Knight for property at 39 Regatta Road, also shown on the Weymouth Town Atlas Sheet 2, Block 12, Lot 20, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-51 & Table 1 seeking relief from the front yard setback for the purpose of constructing a farmers porch across the front of the property. Decision of February 15, 2006 was appealed by the applicant and the case was remanded back to the Board of Zoning Appeals by direction of Superior Court.

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

**This item will be continued to December 5, 2007 with no testimony.**

A MOTION was made by Mrs. McElroy to CONTINUE this matter until December 5, 2007 and was seconded by Mr. Foley and UNANIMOUSLY VOTED.

**BZA CASE # 2985 53 Greenvale Avenue**

Application of Pamela and William Oliver for property at 53 Greenvale Avenue, also shown on the Weymouth Town Atlas Sheet 25, Block 333, Lot 35, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-51 and Table 1 to add a front porch and a rear addition, part of which lies within the setback area.

Present:                      Richard McLeod, Chairman  
                                 Edward Foley, Vice-Chair  
                                 Mary McElroy, Clerk  
                                 Kemal Denizkurt  
                                 Robert Galewski  
Staff:                         Rod Fuqua, Principal Planner

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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.

The applicant would like to add a front porch and an addition to the rear of the house.

The front porch is 18' 2" from the property line. The proposed addition on the rear will not further encroach on the existing setback.

Mr. Fuqua stated this is an application for a special permit as it does not meet side yard setbacks on either side of the house. The applicant's plans maintain the existing plane of the building.

The front yard setback is maintained. The proposed deck in the rear is within the 24' or whichever is less so they are within the setback requirement from the rear. It is just the front deck which is before the Board because it has a roof over it and the addition.

The plane of the existing wall is maintained so that the wall is going in a straight line. Closer to the street it does come as close as 8'2" but in the back it is 8' 1".

Mr. Foley asked if the front porch will be enclosed. Mr. Fuqua stated that the architect used the word addition rather than deck. It is in fact a deck.

Rod Fuqua stated the application was routed to various Town Departments and received favorable or no adverse comments.

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. Foley to APPROVE the request for a SPECIAL PERMIT to add a front porch and a rear addition, part of which lies within the setback area. 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.

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### 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 add a front porch and a rear addition, part of which lies within the setback area. 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 #2986 527 Columbian Street

Application of Quincy Credit Union for property at 527 Columbian Street, also shown on the Weymouth Town Atlas Sheet 40, Block 480, Lot 10 located in a B-1 zoning district seeking a special permit and/or variance under Chapter 120-25B, 120-76/77/78, 120-62, 120-62, 120-70 (L), 120-25C, 120-64.3(B)(2) for a bank building with drive-up teller service.

Present:	Richard McLeod, Chairman Edward Foley, Vice-Chair Mary McElroy, Clerk Donald Holzworth 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.

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Mr. Denizkurt disclosed that he works for a bank on the South Shore. He does not work for the Quincy Credit Union and does not believe that this will impact his ability to make an impartial decision. The applicant stated that they did not have any objections.

Mr. Galewski disclosed that he is a member of the Quincy Credit Union through the town of Braintree. He stated that he did not believe that this will impact his ability to make an impartial decision. The applicant stated that they did not have any objections.

Attorney Robert Fleming appeared before the Board representing the Quincy Credit Union. He introduced those also present; Stewart Steel, CEO of Quincy Credit Union, Board members William Senna, Mike O'Connor, and Harold Goodin, Thomas French from Cubellis Associates, and Thomas Cudina from DRL Architects

Mr. Fleming gave an overview of the history of the Quincy Credit Union. The credit union would open its first branch office at this location. The building would be smaller than the existing building and set further back on the site. The current building is 30 feet from the street and the new plans call for a 61 foot setback.

Mr. Fleming reviewed the relief being sought;

- 120-25b special permit for lot area of more than 40,000 square feet – the lot is over 50,000 square feet;
- 120-25c special permit for drive thru services;
- 120-74.L. variance from parking restriction within 15 foot setback from the front entrance which only applies to one parking space, the rest will comply;
- 120-76, 77 & 78 variance for relief from loading space requirement;
- 120-62 variance from 15' landscaped area in front of site;
- 120-64.3(b) 2 - sign variance.

Mr. Fleming pointed out that the lot is triangular shaped and is 30-40% vegetated or isolated wetlands which restricts the use.

Tom French, engineer for Cubellis, gave a presentation regarding the proposed changes to the redevelopment of this site. The bank will be 3700 square feet. Parts of the existing building will remain. The house on the property will be demolished. There will be two driveways, one entrance and one exit. The expected queue is four cars.

An underground detention facility and water treatment unit will be installed. Presently there is no drainage on the site. Some of the water runs off into the street but much of that water runoff goes into the wetlands to the rear of the property.

Mr. Foley asked about the current curb cuts. Mr. Fleming noted that there is no curb cut on site. The access to the property is not controlled. Any changes will require Mass. Highway Department (MHD).

The applicant would install a four foot high wall in the front with landscaping.

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Mr. Galewski asked about employee parking. Mr. Fleming pointed out on the map where the employees would park.

Mr. Galewski asked about the bank hours. Mr. Stewart Steel stated that the bank hours would be Monday thru Friday from 8:30 – 5:00p, Thursday until 7:00pm, and Saturday from 9am – 12:30. There will be approximately six (6) employees. The drive up opens one half hour earlier than the lobby.

Mr. Galewski asked about lighting. Mr. Fleming stated that night time lighting would be from a spotlight from building on the back and side

Mr. MacLeod asked why the sign needs to be up to the property line. Mr. French stated that a space is needed in the front for the handicap access. With the walkway, parking spaces, and drive aisle, this subtracts space from the overall space available.

Mr. MacLeod expressed concern about sight line visibility if the sign is at the property line. Mr. French stated that the traffic study showed sight distant calculations to be adequate with the removal of the home that is currently located on the property.

Mr. Denizkurt asked about control of access to the driveways. Mr. French stated that street markings and signage will be used to direct traffic.

Mr. Foley stated that he had been asked by members of the Norfolk County Labor Council to ask if the bank would use the South Shore Building trades to build this project.

Mr. Fleming stated that the project is not at this stage yet but this would be considered.

Mr. MacLeod pointed out that the use of union labor has no bearing on the decision of the Board to grant the requests of this application.

The building at the front of the site will be demolished. The front portion of the main building will be removed and renovated.

The applicant gave an overview of how the design and flow patterns will create an open area that will not be detrimental to the site.

He noted that the shape and topography of the site create hardships for the sign placement, the parking, the loading bay, and the green space.

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

- Conservation Commission submitted a memo to Rod Fuqua, Principal Planner, from Mary Ellen Schloss, Conservation Administrator, dated November 8, 2007.
- Health Department had no objections.

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- Police Department has no objections. The town's traffic engineer agrees with the findings of the traffic impact study submitted by the applicant.
- Fire Department had no concerns.
- DPW (Water, Sewer, Engineering, Highway) had comments regarding utilities and water lines. See attached memo to James Clarke, Director, from Bob O'Connor, Public Works Director, dated November 7, 2007. 220 square foot land transfer is included in the purchase. Bound on the property needs to be protected.
- School Department had no special concerns.
- Tax Department noted that the taxes are up to date.

Conditions recommended were 1) that the bound on the property be protected, utilities done per DPW specifications, 2) Form A is submitted to formalize the land transfer to transfer the land back. 3) Granite curbing be installed along the front of the property subject to MHD permit, 4) employee parking signage directing employees to park to the rear or left of the building, 5) plans are based on site plan dated 10/12/07.

Mr. Fuqua stated that staff comments are that this plan will result in a much smaller building than previously approved.

Mr. Foley asked if the town's engineer had looked at the drainage. Mr. Fuqua stated that this has occurred. Mr. Fuqua also noted that the drainage plans have not changed from the previous submitted plan in April of this year.

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

### **SPECIAL PERMIT**

A MOTION was made by Mr. Foley to APPROVE the request for a SPECIAL PERMIT for a bank building with drive-up teller service with the following conditions:

- (1) The bound on the property be protected, utilities done per DPW specifications,
- (2) Form A is submitted to formalize the land transfer to transfer the land back.
- (3) Granite curbing be installed along the front of the property subject to MHD permit,
- (4) Employee parking signage directing employees to park to the rear or left of the building,
- (5) Plans are based on site plan dated 10/12/07.

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. Galewski and was UNANIMOUSLY VOTED.

**VARIANCE**

Due to the topography and soil conditions of the site a MOTION was made by Mr. Foley to APPROVE the request for a VARIANCE for a bank building with drive-up teller service with the following conditions:

- (1) The bound on the property be protected, utilities done per DPW specifications.
- (2) Form A is submitted to formalize the land transfer to transfer the land back.
- (3) Granite curbing be installed along the front of the property subject to MHD permit,
- (4) Employee parking signage directing employees to park to the rear or left of the building,
- (5) Plans are based on site plan dated 10/12/07.

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. Galewski and was UNANIMOUSLY VOTED.

**FINDINGS:**

The Board found that the SPECIAL PERMIT and due to the hardship created by the topography and soil conditions, the 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 VARIANCE for a bank building with drive-up teller service with the following conditions:

- (1) The bound on the property be protected, utilities done per DPW specifications,
- (2) Form A is submitted to formalize the land transfer to transfer the land back.
- (3) Granite curbing be installed along the front of the property subject to MHD permit,

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- (4) Employee parking signage directing employees to park to the rear or left of the building,
- (5) Plans are based on site plan dated 10/12/07.

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.

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Mary McElroy, Clerk

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Date