

**BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
December 6, 2006**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, December 6, 2006, at 7pm 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 Charles Golden Donald Holzworth
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.

BZA CASE #2910 1546 Commercial Street (cont.)

Application of Helder Garcia for property at 1546 Commercial Street, also shown on the Weymouth Town Atlas Sheet 19, Block 253, Lot 35, located in a B-1 zoning district seeking a special permit and/or variance under Chapter 120-25 (c) for drive thru service window.

This is a continuation of the Public Hearing held on 10/25/06. Previous Public Hearings were held on 9/20/06 and 8/23/06.

Richard Henderson, Gary James, and William Carlson were present at this evening's hearing.

Mr. Henderson stated that a curb cut for right turn only was added to prevent left turn and he had comparative data from the Hanson Dunkin Donuts.

Mr. James stated that the parking lot has been modified. Parallel parking against the building has been removed and replaced with straight line traffic. The passing lane is more clearly stated. The queue is enough for 13 cars. There is proposed striping for the drive thru lane. An island has been added on the westerly side curb cut to direct traffic to make a right turn only when exiting.

The handicap spots have been relocated to side. A sidewalk has been added.

William Carlson presented comparative information for the Dunkin Donuts in Hanson. He stated that the Hanson site and the Weymouth site have generally the same amount of cars.

Mr. Carlson noted that the town's traffic engineer stated in a memo that the queue from the proposed traffic light would not interfere with the entrance/exit.

Mr. Golden stated that at the Hanson location, the traffic was not exacerbated by the train station as with the main circumstances as in Weymouth.

Mr. Carlson stated that in this design there would be no parking along Commercial Street.

Mrs. McElroy asked how cars would be prevented from parking along the street. Mr. Carlson stated that no parking/no standing signs would be posted. He noted that it then becomes an issue of enforcement.

Mr. Carlson stated that the addition of the drive thru would increase traffic by 20-25%. Mrs. McElroy disagreed with this statement. She noted that she has read that traffic could be increased by more than 40%.

Mr. Henderson stated that the site size will be increased to move the cars off the street. 14,850 square feet are dedicated to the parking and drive thru.

Mr. Fuqua stated that the numbers are consistent with those presented to the Board.

There has been the following number of accidents:

2004 - 3

2005 – 2 (one of which was inside the Dunkin Donut's site)

2006 - 4 (so far this year)

Mr. Fuqua stated that the Police Department's traffic officer noted that he wanted to ensure that there would be no left turn from the parking lot.

The average queue is sufficient to avoid backing onto Commercial Street. No parking is proposed on either side of Commercial Street so as to discourage foot traffic.

A revision to the curb cut on Commercial Street would lengthen it so that the return angle would make it more difficult to attempt to make a left hand turn.

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

Dominick Galluzo, President of the East Weymouth Neighborhood Association, stated that he would like to see the proponent make improvements to the site to address and resolve existing conditions. This should take place prior to the issuance of a special permit for the drive thru. Also, this would allow sufficient time to determine the ability of the site to handle the traffic generated by the T parking. He expressed a number of concerns regarding the applicant's plans.

Nellie Facara expressed concern about the drive thru lane and the passing ability of cars. She also commented that cars already drive over the curbing. She stated that she would like to see Dunkin Donuts wait until after the train is up and running before installing the drive thru window.

Councilor DiFazio stated that the neighborhood is not satisfied with the way the Dunkin Donuts currently operates. He stated that it would be prudent to wait until the train station opens next fall.

Maureen Supple stated that a left turn from either entrance/egress will be difficult. She also stated that she did not think that there was enough parking at the site for the employees.

A resident asked if there was a way to allow for direct access to the train station from the Dunkin Donuts' parking lot.

Mr. Fuqua noted that there is a 10' wide right of way between the applicant's property and the T property. This property is under the control of the Town of Weymouth Conservation Commission.

Rosella Cicchese noted that the traffic at the Hanson store has 11,000 daily trips at this time with the train station; the Weymouth store has 11,000 daily trips at this time but this will change dramatically when the train station is opened.

Steve Bergforce, Mount Vernon West, stated that the Hanson location does not compare to the Weymouth location. He noted that the Hanson station is behind Dunkin Donuts. In Weymouth, the station is next to the Dunkin Donuts. He expressed concern that if there is no left turn, cars would end up going through local neighborhoods to come back around to the train station.

Mr. Foley stated that the applicant has stated that traffic volume in Hanson is 11,000 and the peak hour volume is about 1,000. According to Mr. Carlson's report the average peak hour day for 2006 at the Weymouth store is 1037 trips for both north and south lanes. The MBTA projection for 2010 is 1176; this is a difference of 140 peak hour trips.

Mr. Galluzzo asked what the full capacity of Commercial Street is. He asked that the Board request the town traffic engineer to answer this question.

A MOTION to close public hearing was made by Mr. Foley and was seconded by Mr. Holzworth, and was UNANIMOUSLY VOTED.

A MOTION was made by Mr. Foley to take this matter UNDER ADVISEMENT and was seconded by Mrs. McElroy and was UNANIMOUSLY VOTED.

APPLICATION TAKEN UNDER ADVISEMENT

BZA CASE #2926 107 Norton Street

Application of Bonnie L. McNinch for property at 107 Norton Street, also shown on the Weymouth Town Atlas Sheet 10, Block 129, Lot 2, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-40, 120-51, and Table 1 to rebuild a one story addition into a two story addition, part of which lies within the setback area.

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 stated that the existing foundation will not be changed. The wood structure will be torn down and rebuilt as a two-story. The footprint of the existing foundation will not be extended.

This is currently a non-conforming structure due to setbacks are less than 18 feet. The applicant would like to enclose the existing deck on the front of the house. The door would be moved to the front of the building which would then have an enclosed entryway. The lot is small; slightly over 3,000 square feet. Anything done will be an encroachment. The abutting house will only be 13' from the existing house. The abutter had no objections.

Mr. Fuqua stated that there have been favorable or no adverse comments from Town Departments.

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

This is a request for a special permit. It is also a request for a variance because of the roof on the front entry way and for the deck on the side of the house.

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 and due to the shape and topography of the lot and the financial hardship of placing stairs due to the height of the foundation a VARIANCE to rebuild a one story addition into a two story 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.

FINDINGS:

The Board found that the SPECIAL PERMIT and due to the shape and topography of the lot and the financial hardship of placing stairs due to the height of the foundation a 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 shape and topography of the lot and the financial hardship of placing stairs due to the height of the foundation a VARIANCE to rebuild a one story addition into a two story 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 #2927 8 Mayflower Avenue

Application of Charles and Jeanne Belliveau for property at 8 Mayflower Avenue, also shown on the Weymouth Town Atlas Sheet 2, Block 5, Lot 8, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-40, 120-51, and Table 1 to enclose an existing porch and add a new front entry and porch.

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 open porch is proposed to be enclosed. The entranceway is to be moved so that it is to the center of the dwelling. The height of the foundation requires a porch and stairs.

A variance is needed to move the door. A stoop will be added to the front and the variance only includes the encroachment of the roofing for this stoop. The building is a pre-existing non-conforming.

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 and due to the shape and topography of the lot the VARIANCE to enclose an existing porch and add a new front entry and porch. 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 due to the shape and topography of the lot 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 due to the shape and topography of the lot the VARIANCE to enclose an existing porch and add a new front entry and porch. 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 #2928 203-217 Bridge Street

Application of Cathay Center for property at 203-217 Bridge Street, also shown on the Weymouth Town Atlas Sheet 6, Block 73, Lots 1 and 4, located in a B-2 zoning district seeking a special permit and/or variance under Chapter 120-40, 120-51, and Table 1 to rebuild restaurant

and extend the new structure to increase the building to 4,000 square feet, and provide additional parking.

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 Rocco DiFazio represented the applicants. Mr. Russ Fitzgerald of Design/Build, also appeared before the Board. There has been a restaurant at this location since 1959. On 12/26/04 the building was destroyed in a fire. Licenses and permits have been maintained since that time until sufficient funds could be raised.

The restaurant is proposed to be increased from 3,200 square feet to 4,000 square feet. This additional square footage will allow the space needed to add handicap bathrooms, ramps, a vestibule for smokers, and space for the sprinkler and alarms.

The new building will face Bridge Street. The entrance will be on Sherwood Road. The property at 217 Bridge Street has been acquired. There will be 24 foot driveway. There will be no parking along the front of the building.

There will be three sections to the facility; a lounge, a function room, and dining room.

Lights will be directed downwards to minimize lighting towards the neighbors. Eight additional parking spots will be created.

Mr. DiFazio stated this site has not had a history of any disturbances or difficulties.

The dumpster will be located on the Sherwood Street side, and will be fenced in. The dumpster will not be emptied before 7:30am. The operation hours will remain 11am - 1am. The sign will remain the same.

Mr. DiFazio stated that the applicant has spoken with the North Weymouth Civic Association, District Councilor Greg Shanahan, and the neighbors. He noted that there were no major complaints.

The restaurant opening is scheduled for Spring/Summer 2007.

Mr. McLeod asked about a buffer between the building and Bridge Street. Mr. DiFazio stated that hedges and other landscaping will be added to the front of the building.

Mr. DiFazio stated that drainage, landscaping, and lighting plans were submitted. He noted that the property is located in a business zone and does not immediately abut residential properties.

Mr. Golden noted that the seating has been increased by 22% but the parking has only increased by 12%. He also noted that the parking is already non-conforming.

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

1. Conservation Commission had no comment.
2. Health Department had no objections.
3. Police Department had no issues.
4. Fire Department noted that alarm and sprinkler plans need to be submitted if application is approved.
5. DPW (Water, Sewer, Engineering, Highway) Need info on water hookup and drainage calculations. The sewer connection at 217 Bridge Street needs to be cut and capped. Location of new sewer connection for restaurant is needed.
6. School Department had no special concerns.
7. Tax Department noted that taxes are up-to-date.

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

A resident of 191 Bridge Street Condominiums expressed concern about cut through traffic on the condos property. She stated that they would like to prevent restaurant customers from parking in their lot. Mr. Fitzgerald stated that the applicants are pro-active and will address any concerns as they arise.

Larry Flynn, 191 Bridge Street, asked what the distance was from the entrance to Bridge Street. Mr. Fitzgerald noted that the entrance is further down Sherwood Road than the entrance to the condo complex.

Michael Butts, Sherwood Road, asked for an eight foot vinyl fence and to remove the hedges. The applicant agreed to this request. The fence would be six foot with an additional 2 foot decorative top.

A MOTION to CONTINUE the public hearing was made Mr. Foley and was seconded by Mr. Golden, and was UNANIMOUSLY VOTED.

HEARING CONTINUED TO JANUARY 3, 2007

BZA CASE #2929 74 Pleasant Street

Application of Pleasant Street Realty Trust for property at 74 Pleasant Street, also shown on the Weymouth Town Atlas Sheet 45, Block 518, Lots 29 and 27, located in a B-2 and R-1 zoning district seeking a special permit and/or variance under 120-40 to allow commercial parking on an existing site with an existing parking lot, used by the businesses located on the site and others. The spaces sought to be commercial spaces are located in the R-1 portion of the property which is located.

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 Robert Looney represented the applicant.

Mr. Looney stated that there is a residential line (R-1 zoning) going through the rear of the property which is used as a parking lot. Commercial parking is not allowed in a residential district. He noted that the buildings have existed since the 1970's. The parking lot is presently in existence and has always been used as a parking lot. There are 50 spaces larger (20x10) vs. (19x8).

The request is for a special permit (120-40) to properly allow the applicant to lease the lot, possibly to South Shore Hospital. The special permit would allow the commercial use on the residentially owned lot.

South Shore Hospital has approached the applicant to use these spaces. If approved, the hospital would maintain the lot. The entire lot is non-conforming.

This parking will no longer be surplus parking for the applicant's other portion of property. The rear portion of the parking lot will be rented out as commercial parking spaces. This parking has existed since prior to the zoning change in 1969.

Mr. Looney noted that there is no way a residential dwelling could be built as there is no frontage.

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

- 1 Conservation Commission stated that the project appears to be outside their jurisdiction and that the special permit sought would not alter land use or drainage patterns and would not trigger need for Conservation review.
- 2 Health Department had no comment.
- 3 Police Department had no issues.
- 4 Fire Department had no concerns.
- 5 DPW (Water, Sewer, Engineering, Highway) – Engineering noted that the property is actually two lots (#27 and #29).
- 6 School Department had no special concerns.
- 7 Tax Department noted that the taxes are up-to-date.

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 allow commercial parking on an existing site with an existing parking lot, used by the businesses located on the site and others. The spaces sought to be commercial spaces are located in the R-1 portion of the property which is located. 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. Foley 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 HOW to APPROVE the request for a SPECIAL PERMIT to allow commercial parking on an existing site with an existing parking lot, used by the businesses located on the site and others. The spaces sought to be commercial spaces are located in the R-1 portion of the property which is located. 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 #2930 59 Washington Street

Application of Todd Barclay for property at 59 Washington Street, also shown on the Weymouth Town Atlas Sheet 20, Block 277, Lots 1, 2, and 23, located in a B-2 zoning district seeking a special permit and/or variance under Chapter 120-70A to allow for off-site parking.

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 Greshem represented the applicant. He noted that the request is to allow off site parking for 59 Washington Street.

The applicant would like to open a bistro at the corner of Front and Washington Street. There are 17 exclusive parking spots (15 and 2 HP) on site, 17 spaces along Front Street, 22 spaces along Washington Street, and 37 spaces at the municipal lot. This is a total of 93 parking spaces in general vicinity of the location. The farthest parking spot is 300 feet from the location. The bistro would be closed on Monday, open Tuesday thru Saturday from 11am-11pm and open Sunday from 9am - 9pm. The peak time is 7pm and will therefore not compete with other existing businesses for on street parking.

The proposed bistro would have approximately 2000 square feet.

Mr. Latini presented the parking plan. The restaurant needs a total of 40 spaces.

Mr. McLeod asked if the existing lot could be expanded to include more spaces. Mr. Gershem stated that it would be a financial hardship as there is a steep grade of ledge to the rear of the property.

Mr. Barclay stated that he has spoken with the Landing Business Association who agrees with the plan. There are six office suites above the proposed restaurant. One tenant is an acupuncture business.

Mr. McLeod stated that it was more likely that patrons would be more likely to park in the abutting residential area rather than over in the municipal lot.

Zoning allows for parking up to 600 feet from the establishment. Village Center District zoning may change in the future to reduce parking requirements.

Mr. Foley suggested that the applicant put up signage to direct patrons to park across the street.

The targeted opening date would be February 1st or 15th.

Mr. Joyce asked about the college classes held in the immediate vicinity. Mr. Barclay stated that once the new church is built and the parking lot repaved, this parking would be available.

Employees will be directed to park on the street.

Mr. Foley asked where the dumpster will be located. Mr. Barclay stated that there will be no dumpster outside. The trash will be kept inside and picked up daily or several times a week. He stated that the Health Department agreed that this was acceptable.

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

Debra Curran, 23 Front Street, stated that she owns 11 Front Street, and is concerned about patrons of the bistro parking in her lot.

Colleen Kelley, President of Homestead Civic Association, stated that they support Mr. Barclay's plan. She did state that they are also concerned about parking and have asked Mr. Barclay to work with the neighbors to address the parking issues.

Gordon McGinnis, owner of the property, stated that he has owned the property for 21 years. He stated that he believes that Mr. Barclay will run a good establishment. He agreed that parking has always been an issue. He noted that the site is an existing non-conforming.

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

1. Conservation Commission noted that the area is outside the Conservation Commission jurisdiction and the proposal does not alter drainage characteristics.
2. Health Department had no objections.
3. Police Department noted that parking would be an issue as on street parking is at a premium.
4. Fire Department had no issues.
5. DPW (Water, Sewer, Engineering, Highway) had no comment.
6. School Department had no special concerns.
7. Tax Department noted that taxes are up-to-date.

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 for off-site parking with the condition that signage is erected in the restaurant and elsewhere directing patrons to use the municipal parking, and if it is needed, the applicant will provide signage for abutting properties. 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 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 off-site 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.

Adjournment

A motion was made and seconded to adjourn the meeting at 9:45 P.M.

Mary McElroy, Clerk

Date