

**BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
DECEMBER 16, 2009**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, December 16, 2009, 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 #3067 82 Broad Street

Application of Vladimir & Melsi Xhengo for property at 82 Broad Street, also shown on the Weymouth Town Atlas Sheet 20, Block 269, Lot 19, located in an B-1 zoning district seeking a special permit and/or variance under Article XVII, Chapter 120-70, 120-71, 120-72, and 120-74.D to convert an existing office building to a restaurant with some off street and off site parking together with some on street parking more than 150 feet of the locus. Due to the use of valet parking some spaces may be less than 9 feet by 18 feet.

Present:	Richard McLeod, Chairman Edward Foley, Vice-Chair Francis Kenneally Mary McElroy, Clerk Charles Golden
Staff:	James Clarke, Director of Planning & Community Development
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 along with the applicant. He also introduced Mr. Tirrell from Gale Associates, and Mr. Murphy from Trapani and Associates.

Mr. Galvin stated that the applicant had previously requested 90 seats and has since reduced the number to 75 seats. He noted that parking northerly of the site has been identified. This will have cars turn right onto Washington Street which avoids going through the intersection.

The applicant made a presentation before the Planning Board to come back to the Board of Zoning Appeals with a new plan.

Mr. Galvin pointed out that easterly along Broad Street there is parking not referenced in the application. He stated that this is for the Boards information only.

Mr. Galvin noted that the applicant has presented a plan showing that there would be some onsite parking. There are approximately 16 spaces available. Several of those spaces would be identified as employee spaces due to the fact that they could be blocked.

Mr. Galvin stated that a valet service has been contracted. There will be two attendants on site so that there would always be one attendant in the parking area. The proposed restaurant would open at 3pm, Monday through Friday and at 12pm, Saturday and Sunday.

Mr. Galvin stated that the applicant has made arrangements with business owners along the easterly side of Washington Street for parking of cars using the valet service.

Mr. Galvin noted that Alba's restaurant in Quincy has no parking and relies solely on valet parking. This is a 200 seat restaurant.

Mr. Galvin stated that Jimmy's Diner was granted a variance for parking; 40 spaces were required but granted a variance for 25 and they did not identify any other alternative parking.

He also stated that the Blue Point Bistro was granted a variance in 2006. The Board approved a restaurant that needed at least 40 spaces plus 6 office establishments on the 2nd floor; they only had 17 available. The Board recognized that there was parking on the street and the municipal lot. He stated that he believes that these two examples show that this request will work.

Mr. Galvin stated that the applicant has no intention of removing trees along Field's Avenue. He also noted that the applicant has an agreement with Western Auto for employee parking.

Mr. Galvin presented a petition with 250 signatures of Weymouth residents in support of the application.

Mr. McLeod asked what were the changes from the previous plan. Mr. Galvin stated that the proposed plan shows a reduction of seating from 90 to 75. Also he noted that all required valet parking has been identified to the north of the site. This would preclude the need for the valet service to make a left turn onto Washington Street.

Mr. McLeod noted that the applicant is requesting a variance for parking; 50 spaces are required, only 16 are available on site.

Mr. Clarke asked if the applicant has anything in writing regarding the agreement with Western Auto. Mr. Galvin stated that the applicant has a letter from the owner that if the application is approved, he will allow employee parking on his site.

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

Mr. Paul Tirrell, Gale Associates, stated that he has been working with the applicant to determine parking needs. He noted that one of the many concerns expressed was the turning radius and queuing radius, as well as left turns onto Broad Street. He noted that the predominant traffic pattern in the evening is heading south.

Mr. Golden asked about the size of the building. Mr. Galvin stated that the building is 6,700 square feet; the building and the land are 9,737 square feet.

Mr. Xhengo stated that the entire building will be used for the restaurant. He stated that there will not be a second tenant.

Mr. Clarke asked if Mr. Galvin had looked at the town's traffic engineer report. Mr. Galvin stated that he had not.

Mr. Clarke noted that the traffic engineer had expressed concern about valet service being crowded on the lot and using the street.

Mr. Galvin stated that pick up and drop off of vehicles will occur on site not on the street.

Wayne Harvey stated that he lives on the corner of Webb Street and Glendale Street spoke highly of Mr. Xhengo. He stated that he believes that this is a good idea and would like to see a restaurant in this area.

A woman from 1 Battery March Park, stated that she is with the owner of A Looking Good Barber Shop at 188 Washington Street. She stated that the Board should deny the application because allowing the applicant to count the on street parking will place an undue burden to the existing businesses. She also pointed out that traffic will back onto Washington Street because the lot is too small to handle the plan as submitted.

She stated that there is an MBTA bus stop at Washington Street at Broad Street. At peak hours, the bus runs approximately every ten minutes. She believes that this will create additional problems.

She asked if the applicant has obtained a permit or a letter of determination from Mass Highways for their traffic movement plan that it is adequate and will not interfere with the MBTA bus route or the flow of traffic on a highway. She also questioned where snow will be stored once it is plowed from the property.

Marion Barrett stated that she and her daughter Susan Barrett live at 8 Fields Avenue. Mrs. Barrett spoke to many concerns such as parking on the street, traffic at the intersection of Washington and Broad, snow removal, the hours of operation, and lighting.

Tom Joyce, Homestead Avenue, noted that the location of the parking lots are 3/10 of a mile and 4/10 of a mile from the site. He questioned how much time it will take for the valet service to move a car from the site to the satellite parking and then return.

Mr. Joyce stated that the parking lane along the southerly side of Washington Street that is being counted for this request is generally used by traffic at rush hour to form a second lane which eases the congestion to some degree. With the parking being used, congestion will increase. He stated that he was not certain at what point heading south that the parking begins.

Mr. Joyce stated that if the Board does approve this application he would like a condition that there be no take-out service. The applicant indicated that there would be no take out service.

Mr. Tirrell stated that the valet service will staff the location as needed.

Joe Curran, Front Street, stated that he has reservations about this proposal. He noted that he is a business owner in the neighborhood. He asked if the zoning bylaws restrict the distance that is allowed on remote parking; is there a 600 feet maximum?

Mr. Clarke stated that in the Neighborhood Center District, businesses are allowed to count municipal parking and on street parking within a certain distance, however this is a B-2 district.

Mr. Clarke stated that the applicant is asking for a variance from the 50 required spaces to the 16 spaces. He is attempting to show that the valet service to satellite parking lots will make the proposal work. He noted that the on street parking spaces are not included in the count towards the required parking.

Mr. Curran noted that the proposed satellite parking lots are 712 feet and 1000 feet away from the proposed restaurant.

Mr. Curran stated that he owns property near the Blue Pointe Bistro. He stated that he has to police his parking lot because of people parking who are going to the bistro.

Mr. Curran pointed out that he was the high bidder for the building when it was for sale. He noted that his plan called for several residential units in the top and office space on the bottom. He stated that the town got less money for a more passive use, an office building. He stated that to go from the passive use of an office building to a restaurant is significant.

Richard Testa, Weymouth Business Council, stated that Weymouth and Braintree will share in a \$2.4 million grant based on the results of a Metropolitan Area Planning Council (MAPC) study. He urged the Board to approve the application.

Karen Hardy, 5 Glendale Street, stated that she travels through Weymouth Landing daily and the traffic is constant all day long.

Deborah Curran, 23 Front Street, expressed concern regarding the traffic at this location. She noted that people go into the intersection and block it when the light turns red, causing back-ups.

The resident of 155 Mediterranean Woods stated that he is a salesman on the road and would like to see more good sit down restaurants. He referred to Alba Restaurant on Hancock Street and Acapulco Restaurant at Cottage Street and Hancock Street in Quincy.

Susan Barrett, Fields Avenue, stated that there are two huge municipal lots in Quincy Center that are accessible to the public for patrons of the Alba restaurant to use.

The resident of 155 Mediterranean stated that Alba and Acapulco restaurants are much larger than what this application is requesting. He pointed out that these establishments have had very few problems.

Cathy Torrey, North Weymouth, stated that she is the president of the Abigail Adams Historical Society. She noted that this society is looking to increase the visibility of Weymouth. She added that they have a partnership with the National Park Services in Quincy and the City of Quincy. She stated that they are looking to direct tourists to experience the flavor of Weymouth, to stay in Weymouth, and spend money in Weymouth.

Joan Smith, 44 Sagamore Road, noted that this proposal would provide job opportunities and tax revenue.

Mr. Foley asked how many employees will be on site. Mr. Xhengo stated that it could change from day to day but he estimates about 6-8 employees.

Mr. Galvin mentioned that as an office building the parking requirement is for 30 spaces. He noted that there was a waiver given when the building was converted.

Mr. Foley asked about how snow on the street will affect the parking. He asked that the applicant look at this.

Mr. McLeod asked if there was a function room. Mr. Xhengo stated that there is a small room that could accommodate about 10 patrons and seats from the main room would be used. Mr. Galvin stated that live entertainment such as bands or DJ's will not be provided.

Deborah Curran, pointed out that the Blue Pointe Bistro is advertising for live entertainment.

Mrs. Barrett, 8 Fields Avenue asked about the valet parking signs in the street. Mr. Galvin stated that the applicant has identified three locations for the valet signs. All three of the signs are on the site.

A resident stated that she sees a hazard to cars returning to the parking lot.

Tom Joyce noted that the previously mentioned revitalization of Weymouth Landing and read criteria for denial at previous hearing.

Mr. Clarke stated that the applicant is asking for a variance. Their argument is that there are different things that can be done to provide parking rather than asking for a special permit.

A resident asked if the applicant has approached Mass Highway department?

Mr. Clarke stated that Washington Street is not a state highway from Lincoln Square to the Braintree town line.

Mr. Testa stated that the town needs to welcome businesses to increase tax revenues.

Mr. Clarke stated the application was routed to various Town Departments and received the following comments:

- Conservation Commission noted that the application is outside the Conservation Commission jurisdiction; no changes affecting conservation interests.
- Health Department had no objections.
- Police Department noted concern regarding parking on Fields Avenue.
- Fire Department had no comment.
- DPW (Water, Sewer, Engineering, Highway) had no comment.
- School Department noted no special concerns.
- Tax Department noted that taxes and utilities are current.
- Traffic Engineer submitted a memo dated December 14, 2009.

Mr. McLeod stated that the public hearing is not being closed; the hearing is being continued to 1/6/10.

A MOTION was made by Mr. Foley to CONTINUE the public hearing until 1/6/10 and was seconded by Mr. McElroy and UNANIMOUSLY VOTED.

HEARING CONTINUED UNTIL 1/6/2010.

BZA CASE #3068 474 Washington Street

Application of Icon Identity Solutions (CVS) for property at 474 Washington Street, also shown on the Weymouth Town Atlas Sheet 25, Block 330, Lot 13, located in an B-1 zoning district seeking a special permit and/or variance under Article XVI and Article XXIV, Chapter 120-64.3, 120-119 to replace existing pylon sign (62.2 sq. ft.) with an illuminated monument with electronic message center (58.5 sq. ft.).

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

Staff: James Clarke, Director of Planning & Community Development

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.

Gary Beaudreau of Icon Identity Solutions and Kristin Barkett Pettey, attorney for the applicant appeared before the Board.

Ms. Pettey stated that the applicant would like to modify the existing signage. She noted that there was a minor change to the application. The only change was to designate how far away from the street the sign is. She stated that there is a correction to the existing square footage of the sign which is a total of 49.87 square feet. She also noted that the existing sign is 16 feet from the street.

Ms. Pettey stated that the plan would be to remove the two posts and pylon sign. The new sign would be in the exact same place. The request is to change the sign to a monument sign. The sign will be 20.2 square feet. Ms. Pettey acknowledged that electronic signs are a sensitive issue in many towns. She stated that the monument sign is not just for advertising; she noted that they can be used in an emergency, for good will, community, and weather related announcements as well as an Amber alert.

Ms. Pettey stated that in other towns that have allowed monument signs, restrictions have been put in place on ways the text can appear, fading, how often text can change, color, and the use of text only.

Ms. Pettey stated that there are two sizes of the electronic unit; the one proposed is the smaller of the two. She stated that special formatted sign text are not financially feasible as the text is too small.

Ms. Pettey stated that the Federal Highway Administration has done studies on this technology's affect on passing traffic. It has concluded that this type of signage does not pose a risk to passing traffic and is actually better than traditional signs. Ms. Petty noted that she has listed a website in the handout for this study.

Ms. Pettey pointed out that Herbies Car Wash has a more elaborate message sign and there are signs for gas prices and time and temperature.

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

Mr. Clarke asked the applicant if there was any other pharmacies in the area with an electronic message unit. The applicant stated that she was not aware of other pharmacies in Weymouth with an electronic message boards in town that would compete.

Mr. Clarke noted that since there are no other competitors in town with this type of sign, thus there is no financial hardship. He also noted that the sign is only 16 feet from the road; it is not difficult to see sign from the road, thus a larger sign is not required.

Ms. Pettey stated that the electronic sign would provide convenience to make people aware of services and products.

Mr. McLeod asked what hardship the applicant is citing. Ms. Pettey stated that the hardship would be financial as a potential loss of customers in this competitive market. She noted that electronic message units are part of a national progression of signage.

Mr. Foley stated that the applicant has not shown a significant financial hardship.

Mr. Golden noted that by approving this request the Board could potentially be creating a hardship for other pharmacies who will not have this type of signage.

Mr. Clarke stated that the Walgreens in South Weymouth wanted a larger electronic message board and did not get it. He noted that they have a monument sign but they did not get a larger electronic message board.

Mr. Clarke stated that the sign is back 16 feet. He noted a signalized intersection some distance away. Vehicles going out at this intersection, the reason for having the sign must be under 3 feet or over 8 feet to provide for adequate visibility.

Ms. Pettey noted that Walgreens does not have an electronic message board, they do have a banner used for advertising. Mr. Clarke noted that this banner will be coming down.

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

Councilor Mathews stated that he believes that this type of sign is a distraction to drivers, especially when they are flashing. He pointed out that his is a very busy intersection.

Ms. Pettey stated restrictions can be imposed as to how frequently the sign can change and restricting animation.

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

Due to the lack of hardship shown in soil conditions, shape, or topography of the lot, a MOTION was made by Mr. Foley to DENY the request for a VARIANCE to replace existing pylon sign (62.2 sq. ft.) with an illuminated monument with electronic message center (58.5 sq. ft.). The Board finds that, in its judgment; all of the following conditions are met:

- (1) The specific site is NOT an appropriate location for such a use.
- (2) The use involved WILL be detrimental to the established or future character of the neighborhood or town.
- (3) There WILL be nuisance or serious hazard to vehicles or pedestrians.
- (4) Adequate and appropriate facilities will NOT be provided for the proper operation of the proposed use.
- (5) The public convenience and welfare will NOT be substantially served.

The MOTION was seconded by Mrs. McElroy and was UNANIMOUSLY VOTED.

FINDINGS:

The Board found that the VARIANCE WOULD 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 NOT an appropriate location for such a use.
- (2) The use involved WILL be detrimental to the established or future character of the neighborhood or town.
- (3) There WILL be nuisance or serious hazard to vehicles or pedestrians.
- (4) Adequate and appropriate facilities will NOT be provided for the proper operation of the proposed use.
- (5) The public convenience and welfare will NOT 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 DENY the request for a VARIANCE to replace existing pylon sign (62.2 sq. ft.) with an illuminated monument with electronic message center (58.5 sq. ft.). The Board finds that, in its judgment; all of the following conditions are met:

- (1) The specific site is NOT an appropriate location for such a use.
- (2) The use involved WILL be detrimental to the established or future character of the neighborhood or town.
- (3) There WILL be nuisance or serious hazard to vehicles or pedestrians.
- (4) Adequate and appropriate facilities will NOT be provided for the proper operation of the proposed use.
- (5) The public convenience and welfare will NOT be substantially served.

BZA CASE #3069 90 Libbey Parkway

Application of Fox Rock Properties for property at 90 Libbey Parkway, also shown on the Weymouth Town Atlas Sheet 33, Block 433, Lot 4, located in an POP zoning district seeking a special permit and/or variance under 120-119(3), 120-74.I, and 120-35.2.1 for a variance from medical office parking requirements.

Present:	Richard McLeod, Chairman Edward Foley, Vice-Chair Francis Kenneally Mary McElroy, Clerk Charles Golden
Staff:	James Clarke, Director of Planning & Community Development
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. McLeod disclosed that he and the applicant's attorney, Mr. Kelley share office space at 536 Granite Street, Braintree. However, he noted that they are not affiliated and he believes that he is able to vote impartially. He asked if there was any objection to which there was no response.

Attorney David Kelley appeared before the Board on behalf of the applicant. He introduced Jason Ward of Fox Rock Properties, Shawn Hardy of Hardy Engineering, Eric Gould of Helicon Design, and Silpa Munukutla of Nitsch Engineering.

Mr. Kelley stated that for medical usage the required number of parking spaces is 853. The proposed plan provides 410 spaces; the request is for a variance of 430 spaces. Mr. Kelley pointed out that the town's requirement for medical usage parking is 10 per 1000 square feet. He noted that this is higher than the industry average.

Mr. Kelley stated that there have been two prior variances on this property. In June 2008, the prior owner was granted a variance to reduce the parking to 3.2 per thousand. Then in December 2008 when the office space was converted to medical office space, a variance was granted to change the parking to 3.6 spaces per thousand. He pointed out that the application tonight improves the ratio to 4.8 per thousand.

Mr. Kelley stated that the applicant has gone to the Conservation Commission and has received an order of conditions to increase the impervious area. He noted that the total lot size is 369,141 square feet; much of it is wet. The applicant could provide the additional parking but the soil conditions preclude this.

Mr. Kelley stated that a financial hardship is that the gross rental rates that one can get for a medical office building far exceeds that of the existing warehouse and storage facility. He noted that the current warehouse and storage facility relates back to when this was a true industrial park. It is no longer an industrial park but really a planned office park. He noted that the current quality and character of the buildings constructed more recently reflect the change from an industrial park to a planned office park. The applicant would like to convert the entire use to medical office use. He noted an increase of 3400 square feet by a squaring off of one of the corners; it is not an increase of the actual footprint.

Mr. Hardy stated the parking plan calls for filling in 4800 square feet of wetlands. He noted that during the Conservation Commission hearing it was determined that this was a low quality wetland. It is a low area that traps water and is along a water easement. It is filled with scrub brush. He noted that this fill will provide for an additional row of parking to create 150 extra parking spaces. There will be a substantial replication area of 11,000 square feet. The grade will stay the same as will the overall layout of the property.

The outlet will be altered outlet before it goes into towns water supply as the applicant is responsible for storm water control and catch basin.

Eric Gould spoke to the architectural features of the property. He noted that the front entryway will be redeveloped with converting the front entry to provide for the change to medical usage. The main feature will be a new glass entry with a canopy.

Silpa Munukutla spoke to the parking design. He stated

Mr. Foley asked if the entire building is being converted to medical office space.

Mr. Munukutla stated that the Institute of Transportation engineers recommends 4.5 spaces per 1000 for medical office use.

Jim Clarke stated the application was routed to various Town Departments and received the following comments:

- Conservation Commission has issued an Order of Conditions (DEP File #81-1064) to Rock Fox Property LLC on September 30, 2009 to expand their parking area. The approved plans (submitted with the variance request) authorize the fill of 4,850 square

feet of bordering vegetated wetlands, construction of an 11,000 square foot wetland replication area, and improvements to the existing storm water detention basin.

- Health Department had no objections.
- Police Department recommended that Performance Drive be posted no parking on the side that borders the building marked 90 Libbey Parkway.
- Fire Department had no comment.
- DPW
 - Water Department noted that a 20" transmission line runs through the water easement; this line needs to be located and shown on the plans prior to any guard rail or wall being installed. Also, hydrant relocation needs to be coordinated with the inspector from the water decision.
- School Department had not special concerns.
- Tax Department noted that 2009 real estate taxes are due.
- Traffic Engineer submitted a memo date 12/16/09.

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

Mr. Clarke stated that an email was received from Mr. Cassidy, an abutter. Mr. Cassidy noted concern about vehicles idling near his property. It was pointed out that this is happening in spaces that are not lined; this area will be lined. The applicant has had discussions with Mr. Cassidy.

Councilor Mathews noted that if the entire building is eventually changed to a medical office building the traffic will increase significantly. He recommended that the applicant be asked to contribute mitigation money to signalize the intersection at Middle Street and Libby Industrial Parkway. He pointed out that he hears from neighbors who have difficulty with the traffic in this area. He stated that although it is important to work with businesses, the quality of life of abutting residential neighbors must be protected.

Mr. McLeod asked if the applicant will need to come back before the Board when the rear portion of the building is converted to medical usage.

Mr. Kelley stated that there is plenty of land, but it is wet; if the land wasn't wet, the usage would be by right.

Mr. Foley agreed with Councilor Mathews that the applicant consider contributing to the signalizing of the intersection of Libbey Industrial Parkway and Middle Street.

Mr. Clarke stated that plans have been prepared for signalization at Libbey Industrial Parkway and Middle Street but all of the funding is not in place. He noted that the project is on state's Transportation Improvement Plan (TIP). The estimated cost is \$300,000 to 400,000.

Mr. Clarke noted that the intersection is a little more complicated because Tara Drive needs to be included in the configuration.

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

A MOTION was made by Mr. Foley to TAKE THIS MATTER UNDER ADVISEMENT and was seconded by Mrs. McElroy.

Mr. Kelley asked for a point of information as to why the board is not making a decision this evening. He indicated that the applicant has a time schedule to satisfy a potential tenant.

Mr. McLeod stated that the next meeting will be 1/6/10.

Mr. Foley stated that he would like to hear back from the Planning Department as to potential mitigation.

Mr. Golden asked what percentage of building will be converted from the plumbing usage to medical usage at this time. Mr. Kelley stated that 15/20,000 square feet of the 80,000 square foot will be converted. He pointed out that the dashed line on the plan shows the change from two stories to one story.

The MOTION was UNANIMOUSLY VOTED.

MATTER TAKEN UNDER ADVISEMENT UNTIL 1/6/2010.

BZA CASE #3070 541 Main Street

Application of Atlantic Management for property at 541 Main Street, also shown on the Weymouth Town Atlas Sheet 37, Block 460, Lot 1, located in a B-1 zoning district seeking a special permit and/or variance under Article XIII, 120-40 for minor expansion to an existing nonconforming structure.

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

Staff: James Clarke, Director of Planning & Community Development

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. Frank Marinelli represented the applicant. He introduced Joseph Zink and John Sullivan from Atlantic Management, and John Murphy of Trapani and Associates.

Mr. Marinelli stated that a group of pediatric doctors affiliated with Children's Hospital Boston are proposing to occupy 12,000 square feet on the 1st floor and additional space on the 2nd floor for office space. He noted that a 1,726 square foot area will be used for pediatric radiology. He

noted that the special permit is to alter the building to change an existing nonconforming. He noted that the site was formerly an industrial building.

Mr. Marinelli showed pictures from Children's Hospital Boston clinic in Lexington. He noted that east and west wings of the building in the area that is submerged from Main Street below the connector. This is due to the need to achieve a 9 feet 1 inch minimum ceiling height to allow enough space for the radiology x-ray units.

Mr. Marinelli noted that there is nowhere else on the first floor to locate this and exploratory excavation showed closely spaced column grid is supported by an extensive spread footing system. To reconstruct this would be disruptive to the floor above and cost prohibitive. He pointed out that new construction would be less disruptive. Mr. Marinelli noted that the topography slopes from east to west. The second floor is at grade with Main Street. The 1st floor is at grade with the parking in the rear. The proposed enclosure would be built to the specifications required for the state of the art equipment.

Mr. Marinelli pointed out that the 1,726 square feet does not trigger any parking analysis because it is less than 15% of the building. He noted that the building has a total of 102,000 square feet on a 6.25 acres lot. He noted that a parking analysis on Friday and Monday at 10:00 am, 1pm, 2pm, and 4pm, 190 – 220 parking spaces were available.

The specific site is an appropriate location for such a use as the building is already a medical facility. The use involved will not be detrimental to the established or future character of the neighborhood or town in a committed medical building; investments have been made to upgrade the facility. There will be no nuisance or serious hazard to vehicles or pedestrians as it is located in an area where there is no vehicular traffic. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, need 9'1" ceiling height. The public convenience and welfare will be substantially served by an accessible by an accessible and comprehensive medical facility.

Mr. Marinelli stated that the plan will leave the connector. They will need to excavate and will line up with the southerly end of the easterly wing. The proposed new construction will be below the windows of second floor.

Mrs. McElroy asked about there being enough parking that is not a long distance from the building. Mr. Marinelli noted that the site has 555 parking spaces. He provided photos of the site.

Mr. Zink stated that there is ample space but much of the available spaces are further back. He noted that they are working on a redesign of the entryway and drop off area to provide for a waiting area. He stated that the street is owned by the property but there is an easement. There are 15 handicap parking spaces.

Mr. Zink noted that the new facility will have a dedicated door as shown on the plan.

Mr. Foley asked if there was any special ventilation required for radiology. Mr. Zink stated there is not.

Mr. Clarke asked if there is a new sketch on the entranceway for the pediatric clinic. Mr. Sullivan stated that it is not yet ready. The location has been identified. He noted that there will be a small overhang, similar to the existing entrance.

Mr. Clarke stated that a condition would be for the applicant to bring plans for the new entryway for review.

Mr. Clarke 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 for minor expansion to an existing nonconforming structure with the condition that a sketch of the design of proposed clinic entrance will be submitted to the Building Department before the permit is issued. 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 as it is an existing medical facility.
- (2) The use involved will not be detrimental to the established or future character of the neighborhood or town as this is already a medical facility.
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians not affecting existing footprint of building.
- (4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use such as the ceiling height for the required equipment.
- (5) The public convenience and welfare will be substantially served with service to young patients.

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. as it is an existing medical facility.
- (2) The use involved will not be detrimental to the established or future character of the neighborhood or town as this is already a medical facility.
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians not affecting existing footprint of building.

- (4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use such as the ceiling height for the required equipment.
- (5) The public convenience and welfare will be substantially served with service to young patients.

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 minor expansion to an existing nonconforming structure with the condition that a sketch of the design of proposed clinic entrance will be submitted to the Building Department before the permit is issued. 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 as it is an existing medical facility.
- (2) The use involved will not be detrimental to the established or future character of the neighborhood or town as this is already a medical facility.
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians not affecting existing footprint of building.
- (4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use such as the ceiling height for the required equipment.
- (5) The public convenience and welfare will be substantially served with service to young patients.

ADJOURNMENT

The meeting was adjourned at 10:00 P.m.

Mary McElroy, Clerk

Date