

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
October 1, 2025, 7:00 p.m.
Weymouth High School - Humanities Center
1 Wildcat Way, Weymouth, MA 02190

RECEIVED
ZONING DEPT 18 A 10:31
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

Members Present: Kemal Denizkurt, Chairperson
Jonathan Moriarty, Vice-Chairperson
Brandon Diem, Clerk
Carsten Snow-Eikelberg
Nicole Chin

Also Present: Robert Luongo, Director of Planning
Eric Schneider, Principal Planner
Monica Kennedy, Assistant Planner

Recording Secretary: Janet P. Murray

Chairperson, Kemal Denizkurt, called the Board of Zoning Appeals meeting to order at 7:00 p.m. in the Weymouth High School - Humanities Center, 1 Wildcat Way, Weymouth, MA 02190 and explained the procedures that would be followed to the people present.

Old Business:

Case #3542 - The petitioner, Ryder Development Corp., for property located at **0 Station Street & 0 Somerset Street** also shown on Weymouth Town Atlas sheet 19, block 252, lot 10 & 23, located in the B-2 and R-1 districts. The petitioner is seeking to:

Special Permit 120-40 non-conformity continuation

The subject properties are split between the R-1 zoning district and the B-2 zoning district. The applicant proposes three single family homes; one home on an existing 5,000 square foot lot in the R-1 district and two homes in the B-2 district which has no minimum lot size. Single family homes within the B-2 district require a Special Permit from the Board of Zoning Appeals.

Mr. Moriarty made a motion to re-open the public hearing on Case #3542 which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Mr. Denizkurt stated that Attorney Galvin gave a brief review of the case at the previous meeting. He noted that there are updated plans.

Attorney Gregory Galvin, Weymouth, appeared before the Board representing Mr. Ryder. He stated that as a result of comments that were heard last meeting, Mr. Ryder has agreed and has presented a plan showing that he would build two single family homes. Both of these homes would be on the B-2 parcel. He would join the R-1, parcel which is registered land with the parcel abutting it. Lot two and lot three

would be joined as one lot; they would be deeded as one lot and could not be separated thereafter.

Mr. Galvin stated that to remove the lot line, because there is both registered and unregistered land, he would have to de-register the R-1 lot which is time consuming and expensive. He continued that if there was a deed restriction that said, these lots are to be joined and not to be separated, moving forward; lot two and three become one, and then lot one is going to be in a new lot with just the two homes.

Mr. Galvin stated that he spoke with the building inspector who was unable to find where it is shown on either side of the B-2 lot that there is a way. He noted that on the left side, there is an easement, not a way. He continued that the building inspector went back to the 1950s and those ways do not show up on the Atlas. However, although no plan is shown being filed, the way showed up sometime late 50s, early 60s. According to the town Atlas, there is a way that goes through the R-1 registered land that will remain. He stated that where it is registered, the plans clearly show that as a way. As it is a recorded way, it would be available for anyone traveling between Somerset Street and Station Street.

Mr. Denizkurt noted that the application shows that the easement will be increased by six feet all the way through.

Mr. Galvin stated that it will be increased to about nine feet. He added that with this increase, vehicles would be able to go in each direction.

Mr. Denizkurt asked about the water easement that runs along the property line of the proposed B-2.

Mr. Galvin stated that he was not able to find the actual easement, but it does show up.

Mr. Denizkurt asked if there was a water line through there.

Mr. Galvin stated that there is a water line there.

Mr. Luongo questioned that there is a water line through there but it is not shown as an easement.

Mr. Galvin stated that he did not find one.

Mr. Luongo asked if an easement could be put in over the water line in case the town needed to go on.

Mr. Galvin stated that he would have to talk to the Department of Public Works (DPW) to confirm where it is located.

Mr. Luongo asked, wherever it is, would the applicant grant the town the easement.

Mr. Galvin stated that if an easement is needed they would grant it.

Mr. Luongo stated that if the Board approved of this, he would like the developer to submit a landscape plan to the Planning Department for approval. Also, if approved, the developer would construct an asphalt sidewalk with granite curbing along Station Street in front of his property, all the way along, including the easement area.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was the following response.

Will Eads from DTM law stated that he represents Bill and Linda Mead, abutters to the referenced property. He stated that he is here to air their concerns about some of the deficiencies in the plan that has been presented to the Board. He stated that they appreciate the spirit of reducing this down to two lots and getting rid of the third mis-sized lot on the original plan. However, he stated that they are really concerned about the note concerning the removal of the way. He continued that the note on the plan suggests that they are going to remove the ways on the advice of counsel. He stated that he has reviewed the title, although he does not have a comprehensive title report; there are references to existing right of ways over that part of the land benefiting other parcels in that area. He added that those ways are shown on the assessor's records as well; the fact that the building inspector has not found them does not conclusively show they do not exist. He stated that they believe they do exist.

Mr. Denizkurt indicated that the town handed the Board information that Mr. Eads provided to them: the deed of record and two plans.

Mr. Eads stated that there are ways, as shown on the assessor's plan, that appear in the title records for these properties 24 feet on either side of the lot, which the applicant owns. He noted that in looking at the deed, it is very clear that the applicant owns the assessor's parcel as shown on the plan. He pointed out that he believes there is a small typo in it that it says it's by Station Avenue on all four sides, it should be Station Street, and then three of the sides were converted to Somerset Street and it is 6800 square feet, according to the deed of record, going back at least as far back as 1993 give or take.

Mr. Eads stated that the deed description has been consistent throughout conveying only 6800 square feet. Looking at the marked up version of the applicant's plan, he noted that he has highlighted in blue the land applicant actually owns. The applicant has submitted a plan that purports to carve up and use land that based on the title records, as reviewed, they have not proven any rights regarding the removal of the ways, it suggests that the surveyor removed them on advice of counsel. He noted that it is his understanding that one of his colleagues has previously requested information showing of what that advice of counsel was and the justification to remove those

ways. Similarly, he would suggest the Board should receive from the applicant some evidence of how they justify ownership of that land as well, because the deeds do not bear that out.

Mr. Eads suggested that until that issue is resolved, the applicant should withdraw this application and come back with a proper plan showing corrections with everything proved out for the Board's review.

Mr. Denizkurt asked Mr. Galvin if he has copies of the materials they received which have been marked as Exhibit A.

Mr. Galvin stated that he did not.

Mr. Eads gave him copies.

Mr. Ryder asked Mr. Eads about the plan showing that this block of B-2 is 6800 square feet.

Mr. Eads stated that this is what the assessors show.

Mr. Ryder questioned if the R-1 is 4100 square feet so when he purchased the property there is only about 10,000 square feet, instead of the 15,000 because of the two ways.

Mr. Eads stated that the deed in front of Mr. Ryder conveys the assessor's parcel only.

Mr. Galvin stated that it says, meaning and intending to convey the same premises conveyed to the grantor by deed right of way. He added that if you go back in the deeds, it has the same description of that assessor's parcel, going back to when it came out of probate. He continued that when continuing further back, the parcel encompasses what is being describing as a way. Mr. Galvin stated that in looking on the town of Weymouth atlases, Jeff Richards reported that in the 1950s those ways do not show on the Atlas and there are no grants by owners of this parcel back in time.

Mr. Galvin stated that they ran this by title insurance, and they are comfortable that Mr. Ryder owns the entire area, including where the sewer and water easement are located.

Mr. Ryer stated that before he purchased this property, he had Hoyt do the research by going to the registry and meeting with the town engineering department to see who actually owns this. He stated that he was given clear direction that the property owner owns that way.

Mr. Ryder stated the easement where they put the sewer line in is heavily treed. He continued that it is a moot point to the proposal because they do not plan to build in

there or touch the trees; it will stay as an easement. He asked what the abutters would like to see.

Mr. Eads stated he believes that it is important to clarify things. Title policies typically only look back 50 years. He questioned if they looked back far enough to find the rights of way. He stated that he was told there are title records that indicate that there are grants for those rights of way in the chain of title for this property, but you have to go back a way to find them.

Mr. Eads stated that he thinks it is important to show that the applicant actually owns the property just for the purposes of the Board. He stated that he understands that the B-2 zone requires no setbacks and no minimum lot sizes. This is a special permit to approve a residential home. Residential properties are under 40a section 6 of the Massachusetts General Laws for grandfathered preexisting lots have a minimum of 5000 square feet for a reason. The fact that this is a commercial district that seemingly avoids that requirement. His objection is the layout of the lot.

Mr. Ryder stated that the two parcels combined would be over 10,000 square feet (6800 square feet and 4100 square feet).

Mr. Eads stated that this is if the applicant owns the fee in the rights of way. He continued that as he understands it, at 6800 square feet would place two homes on 3000 square foot lots which seems objectionable to him.

Ms. Snow-Eikelberg asked Mr. Eads if Mr. Ryder's ownership does not extend into the right of way, where the ownership would be then for those two ways.

Mr. Eads stated that it is his understanding that based on the deed description, the Assessor's map is correct; the ways lie to either side of the lot. The abutters understanding of the history is those ways have been used and traveled for many years.

Ms. Snow-Eikelberg questioned who owns it.

Mr. Eads stated that then you get into a fraught discussion regarding the derelict fee statute and how that would apply to the ways in terms of rights. He stated that whoever was granted it, and whoever may have gained prescriptive rights over those ways, over the years, can Mr. Ryder make a valid claim of ownership. He noted that when his colleague provided a letter asking for justification for the elimination or extinguishment of those ways that was suggested on these plans, to his knowledge, no such legal opinion has been provided.

Mr. Ryder stated that he owns the property and when he first came to the town the plan was for a multi-family application. Based on discussions with the town, they would prefer single family detached homes, so they came in with three. Further discussion was had at the last meeting with the thought that the one lot would not

support three especially with the right of away there. The plan was cut back to two. He asked Mr. Eads if this is not acceptable to the abutter, do they want him to come back in with something different.

Mr. Eads stated that he is not necessarily speaking to the opinion of the abutter, he is speaking to the legal elements of the land.

Bill Meade, 28 Somerset Street, referenced the 1855 deed with the 24 foot ways, were in the packet that DTM gave the applicant. In the 1855 deed, Lovell wrote that the ways as now laid out across said land should be 24 feet wide for the use of the owners of said lots. It references the owners of said lots as Martin and Holmes. Martin owned Mr. Meade's house in 1855 and Holmes owned next door, 32 Somerset Street.

Mr. Meade continued that in the language, it also grants Holmes and Martin, their heirs, assignees to the use of the remaining 6800 square feet forever. What this did is it deeded a third of the lot to our lots. That road is in deeds for four or five changes in ownership up until 1949 where was dropped off. He continued that this shows that there is a question of ownership of those 24 foot ways that were put place in 1855. Those are supposed to be open for the lot owners to access forever.

Mr. Galvin stated that deals with the ways. Mr. Ryder's question was the land outside of the ways.

Mr. Meade stated that according to the deed Mr. Ryder might only own a third of it. He may own a third, and his neighbor may own a third of the 6800 square feet. He stated that his attorney is looking into this right now. He continued that Martin owned his house and it changed hands several times, and every time there was reference to the two thirds ownership until 1949. Nelson bought the house next door and wiped it off the deed, but it was on the deed in 1902 with the first change of ownership until 1949. He noted that Mr. Ryder may not own the whole thing.

Mr. Moriarty asked if there was a copy of the deed that dropped off the way.

Mr. Meade stated that there is a question right now of total ownership, but they have not done a deep enough analysis to be comfortable to give the Board that.

Mr. Moriarty asked if there was any other examination of the neighboring lots or is it only reference to the three owners.

Mr. Meade noted that 41 Station Street owned that lot and then Martin owned his house at 28 Somerset, and 32 Somerset Street was owned by Holmes and he deeded undivided two thirds access forever.

Mr. Moriarty stated that it would not be on any other abutters' deeds that we know of.

Mr. Meade stated that it was on his deed, until Nelson sold it, and then it came off the deed. He continued that it does not have to be on every deed forever. It was on several deeds, and on the transfers. He noted that even Martin's granddaughter, who inherited the home and then deeded it to the next person, said that this is part of the property, the two thirds ownership.

Mr. Meade stated that when he first met with Mr. Luongo after Mr. Ryder purchased it, there was not a plan yet, but he did say that Mr. Galvin talked to him and said he did not think he could subdivide the land because the ownership was messy.

Mr. Luongo stated that he did say that, but he thinks that attorney Galvin proved at that time that the ownership was there. At the time he spoke to Mr. Meade, he did not have any plans.

Mr. Galvin stated that at the time, they were just starting a title exam. He continued that back in the early to mid-1800s the land on the other side of Somerset going up to Wharf Street was owned by Lovell. He stated that trying to track down these ways which magically appeared after the 1950s.

Mr. Galvin stated that there will be access from Somerset Street to Station Street and from Station Street back to Somerset Street. He stated that he did not know what else the neighbors would want; that ability to travel between the two is not going to be terminated. The right of way that is on the plans does show on the Registry of Deeds. He stated that he could not find these other ways at the Registry of Deeds done by an owner. The Town's Engineering Department filed a plan in the 1980s that do show the way again. They took it from the assessor's map, but he does not know how it got to the Assessor's map.

Mr. Luongo stated that they are talking about the sewer easement. The issue is ownership not necessarily if the easement is still there. Mr. Meade is saying he might own a portion of that. Mr. Luongo continued that a developer can build, they just cannot occupy that portion of the easement that exists on the property. If the easement is owned by another party or a third of it is owned, he thinks that issue needs to be straightened up. He questioned if there is title insurance.

Mr. Ryder stated that his counsel says he owns the property as does the land surveyor. He added that they are not building on the 24 foot right of way next to the commercial building as it has trees on it and nobody has used it for years. He stated that the only opening is the way that he plans to add six feet to for public safety. He is not building on those ways and plans to build on the B-2.

Mr. Ryder stated that he did not believe that this is the forum to challenge ownership. If they want to challenge it that is for Land Court.

Mr. Denizkurt stated that they did not dispute that. His concern is they are disputing your ownership of whether they own a portion of it, and here you are proposing to

build on property that may not be yours, even though you're not going to really do anything in that area.

Mr. Ryder stated that this is a bold claim, coming to the Zoning Board with no evidence to say that.

Mr. Denizkurt pointed out that that they did give a packet to both him and the Board. He continued that he has heard information that leads him to believe that there may be something there.

Mr. Moriarty asked if the applicant's title insurer was specifically disclosed of the ambiguity in the lot description of what you thought you were getting, and what you did get in July of 2025, and did they know about what you discovered regarding the ways.

Mr. Galvin stated that they gave the title insurer the title examination that was done by an independent contractor. He stated that he was concerned if it was insurable because there was a reference in this most recent deed that indicated the land was only 6800 feet. It then goes back and references the prior deeds. The prior deeds indicated that the lot was in excess of 10,000 square feet. He stated that he wanted to be sure that in fact, the parcel being sold included the 10,000 square feet, starting with the parcel to the left that the prior deeds had the courses. He noted that one of the problems is there are no stakes in the ground. It talks about rods and meters in the prior deeds.

Mr. Galvin stated that there is not a claim against this title.

Mr. Schneider asked, regardless of the ownership of the piece in question, is there still land available to build two single family homes on lots of 5000 square feet or greater.

Mr. Galvin stated that in a B-2 there are no setback requirements. There are no area requirements.

Mr. Galvin stated that this is a request for a special permit for single family, as opposed to multi family. It is by right in the B-2. They are here with a request to approve two single families which is what they were told staff would prefer than a multi-family.

Ms. Snow-Eikelberg stated that her concern is as follows, if it is a right of way versus full ownership, it can be owned as a right of way, granted that they have use, in which case this plan would be acceptable.

Mr. Moriarty stated that this is correct subject to the fact that they would be building two single families on 6800 square feet.

Ms. Snow-Eikelberg continued, in looking at the deed that references 6800 square feet gives pause, because in that event, two homes would be built, essentially, on 3400 square feet each. There is a 5000 square foot minimum. In that event the Board would be voting on a different proposal, because the dimensions would be different. She noted that she would not necessarily feel comfortable voting on this without confirmation that the application has the correct dimensions.

Mr. Schneider questioned if there is a total of 18,461 square feet on the plan between the three lots.

Mr. Ryder clarified the lot sizes based on discussion at the previous meeting. He stated that he is confident in the research that was done on his behalf. He noted that if someone wants to make a claim, they can make a claim.

Mr. Denizkurt asked Mr. Ryder if he said that lot 3 with 4141 square feet is included in the lot 2 square footage of 9015 square feet.

Mr. Ryder stated that is correct. He added that the total of all the parcels together is about 15,000 square feet. Lot one in the B-2 is about 5000 square feet, lot two in the B-2 is about 5000 square feet, and lot three is 4141 square feet which is in the R-1. He noted that the Board had asked him to merge the proposed lots two and three together that would make up the 9215 square feet that was what was mentioned to that first meeting.

Mr. Denizkurt stated that Mr. Meade is claiming 6800 square feet are in question. They are saying the applicant would own 1/3 and they are saying they own two-thirds.

Ms. Snow-Eikelberg stated that if they go back to an ownership question, the lots are not contiguous.

Mr. Galvin stated the owner of that property never deeded a right of way to anybody else coming along Station Street. So those ways do not show on the town atlas prior to sometime in the 1950s. Assuming there is only the 6800 square feet, he is putting two houses, with lots two and three combined as one parcel. He added that they will put a deed restriction, saying these are to remain as one parcel.

Mr. Moriarty asked which parcel is registered.

Mr. Galvin stated that the R-1 lot is registered.

Mr. Moriarty asked if there are ways between lot two and lot three.

Mr. Galvin stated that there is a water line easement and a 24 foot right of way.

Mr. Denizkurt stated that this raises the question that Ms. Snow-Eikelberg had of whether you can combine lot three with two and basically strip out the middle. He thinks she said it perfectly; they are not contiguous.

Mr. Luongo stated that the question would be, is there litigation of the sewer easement at some point in the future to find out who owns rights to it or not. He pointed out that there is still 10,941 square feet to create two 5000 square foot lots for two single family houses, leaving the sewer easement on the left hand side, and right of way as it is right now. He questioned the intent of the abutter whether it is to get one house lot or to stop development at all costs.

Mr. Schneider added to Mr. Luongo's comment. He stated that Attorney Galvin and Mr. Ryder have both pointed out that many of these issues are more suitable for a court decision than one from the Board of Zoning Appeals (BZA). He continued that what is in front of the BZA is, does he meet the standards for a special permit to build two single family homes within a B-2 zoning district. He is not asking for a variance on lot size. There is no lot size requirement in B-2 which has been pointed out, however, there is a state requirement of 5000 square feet, which the revised plan would meet. He questioned to what extent this board is deciding on lot lines, he does not know. Is that part of a subdivision or subdivision control not required plan? Is that a subject of a subdivision plan? He stated that he is not sure that it is a subject of a zoning question, which is strictly the appropriateness of two single family homes in a B-2 district.

Mr. Moriarty asked Mr. Galvin if it is his position that lot two and lot three are contiguous lots and that regardless of who has rights in the way, the applicant has the right to convey what is in and out of that way, and the easement.

Mr. Galvin stated that this is their position.

Mr. Moriarty asked if lots two and three come up against each other in common ownership.

Mr. Galvin stated that the lots directly abut.

Mr. Moriarty asked if the abutter agrees that the power to convey what is in that way and that easement rides with the deed.

Mr. Eads stated that he did not have the information to weigh in on that. They are fine if they want to prove it out. There may be a derelict fee claim that they own the entirety of that way, but based on the town assessor's map, the deed that conveys only the interest in the land shown on the assessor's map, based on the pure reading of that deed, it does appear to be noncontiguous.

Mr. Eads raised a new question. As they have been discussing, throwing the 4000 feet noncontiguous in with 1000 of the lot, whatever they are calling it, the lot in the B-2

that now also ends up with the bulk of that lot in a different zoning district. He stated that he did not have that zoning answer at hand, so he would ask the town to weigh in on that.

Ms. Snow-Eikelberg noted that Mr. Ryder's application is based on their evidence of ownership, and before the board is what they have presented with their assumptions of ownership. The Board could vote on it tonight understanding that it probably will be contested later.

Mr. Luongo stated that the case could be appealed to the BZA or to the courts.

Mr. Moriarty asked if the town supports the applicant's contention that the two lots do join and that he has the power and fee over the power to convey the sewer easement and the way subject to conditions that if the ways were in full force, in effect, and they know the easement is that he still has the power of fee.

Mr. Schneider stated that his comfort lies in the fact that no variance is being requested here for lot size. If they are unable to demonstrate the ability to create a 5000 square foot lot, they do not have a buildable lot without coming back to this board. If this all shakes out and it turns out that he legally owns outright 9900 square feet, he is not going to be able to go forward with his plan without coming back to this board, would be the town's understanding. Because even though there's no minimum lot size in the B-2 there is the state 5000 square foot minimum. Either he makes that or he does not. If he does make it, he thinks it is probably outside of the BZA review of how it is configured. If he does not make it, he may have one, but not two buildable lots.

Mr. Moriarty stated that in the original application, the box was checked for both a special permit and a variance. He asked if there is no longer a variance or was that just a mistake?

Mr. Galvin stated that this is a special permit only. A variance was needed when they were looking to build three houses.

Mr. Moriarty stated that to the extent that needs a motion, he would so remove the applicant's application for a variance and amend the application to say special permit only.

Mr. Denizkurt stated he agrees with what the town is saying. He thinks that the Board can, based on what the applicant has presented, move forward with a motion either way. The rights of that easement obviously would have to be litigated in court. The Board cannot adjudicate that. He added that he believes that the applicant has demonstrated and provided enough evidence that he possesses ownership.

Mr. Moriarty questioned lots one and two, where the proposed structure is going to go, is it right up against that blue line in that disputed right of way; is the house going right up against the trees.

Mr. Ryder stated the plan is just the proposed. He stated that he thinks that there is plenty of room to the middle lot line. The proposed line was 17 or 18 feet, and they will position it to not cut any trees down. He added that they cannot cut them down in the sewer easement.

Mr. Moriarty questioned if on lot 3, which is registered land, does the deed reference the sewer easement and any rights of way.

Mr. Galvin stated that the only thing that shows up at the Registry of Deeds is the nine foot wide way but not the water easement.

Ms. Snow-Eikelberg made a motion to close the public hearing on Case # 3542 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Mr. Moriarty stated that there are a lot of moving parts in this case; based on what he has heard and the town's position. He stated that he thinks lots two and lot three can be contiguous. Therefore, he thinks lot two can take the square footage of lot three, subject to the zoning of the respective lots. That would leave lot one at 5105 feet with understandably, the disputes with ways and easements. That is what he is going to base his findings on. He stated that he prefers two single family homes on those three lots as opposed to one multifamily home structure.

Mr. Denizkurt stated that he will entertain a motion to take action on the application for a special permit. The variance part that is marked on the original application is no longer valid because that was for the three single family home arrangement; the applicant has reduced it down to two, so the variance is no longer needed.

Mr. Moriarty questioned if the town wanted another plan to be filed.

Mr. Luongo stated that they will need a plan for the building department and the engineering department. He stated that the Board would need to stipulate that the total land area is 10,941. He continued to be specific that the land area that is being built on is minus the sewer easement which is now 10,941 square feet. The lot area and the locus information and the plan need to be revised. Lot 3 is 4141 square feet. He stated that they are adding 6800 square feet to the 4141 square feet which gives the 10,941.

Mr. Luongo stated that they are excluding the easement that is under contention

Ms. Snow-Eikelberg pointed out that the easements on both sides are under contention. She stated that if both easements are under contention, then that is why

there is an issue. The Board can vote on what they have proposed with the assumption that their ownership is correct as documented.

Mr. Schneider stated that if the applicant cannot come up with 10,000 square feet, then he would not get a single family home building permit.

Ms. Snow-Eikelberg stated that the town would like an updated plan with accurate lot sizes. The correct amounts should be noted as a condition if approved.

There was discussion about the accurate sizes of lot 1 and lot 2.

Mr. Moriarty stated that there will be 5074 square feet on one side and 5105 square feet according to the plan on the other. He stated that it is his understanding, as well as the town's, that easements are not going to take away from their fee; they own it, convey it subject to the rights of others to use those easements, with certain restrictions, the ways are going to be disputed, right, but the ways are a right to use.

Mr. Galvin stated that they need enough land into the B-2 lot so that they are not building on the water easement.

Mr. Moriarty stated that the applicant can redo their plan and come back if that is what they want to do, or the Board can condition the filing of a proper plan that reflects proper numbers of each lot.

Mr. Diem noted that there are two lots in two separate zones that abut and a residential zone typically has a 20 foot setback requirement.

There was discussion regarding 120-62 and 120-59.

Mr. Diem stated that there is no dimension from the proposed dwelling to the R-1 on the proposed plan.

Mr. Galvin stated that the building is 30 feet off of the R-1 lot line.

Mr. Ryder stated that in order for him to get a building permit, he has to meet the zoning by-law. If he submits a plan that does not have the right requirements, he will not get the permit.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3542.

Mr. Moriarty made a motion to approve the applicant's application for a special permit pursuant to 120-40 extension or change of a nonconformity finding

SPECIAL PERMIT

1. The specific site is an appropriate location for such use as indicated by the applicant's presentation as well as the plans which consist of three lots with one registered lot indicated, lot 3, and two unregistered, lots 1 and 2, with lot 1 being in an R-1 zone and lots 2 and 3 being in a B-2 district. The vacant land is in a primarily residential area with single-family homes predominating with some multifamily buildings mixed in; also, with the understanding that a multifamily dwelling could be built on lots in B-2 with less or no restrictions.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. It is a predominantly single-family home neighborhood. The applicant seeks to build two separate single-family homes in that area consistent with the neighborhood.
3. There is no potential for nuisance or serious hazards to vehicles or pedestrians. It is adding a low density to single family homes and a pre-existing single-family home neighborhood which will not restrict any sort of ways or tax the ways or streets in any significant manner or affect negatively upon the neighborhood
4. There are adequate and appropriate facilities, utilities, and other public services provided for the proper operation of the proposed use. The applicant is proposing to construct water and sewer lines connected to the town systems and the use benefits other town municipal services as well.
5. That the public convenience and welfare will be substantially served by the proposal as the use of the property for single family homes is consistent with the majority use of the neighborhood.

The following conditions will apply:

1. The applicant will file a landscaping plan which will indicate where the sidewalk which the applicant has agreed to install along Station Street which will be asphalt in nature with granite curbing consistent with what the town requires and subject to the building inspectors sign off
2. The applicant will submit a revised plan which will be filed with both the building inspector and the planning department indicating the dimensions of the lots.
 - a. Lot 3 is registered land consisting of 4141 square feet.
 - b. Lot 2 as it is presently indicated on the plan incorporating square footage of lot 3 as it stands independently; 5074 square feet for lot 2 and 5105 square feet for lot 1.
 - c. He stated that he is disregarding the applicant's placement of the proposed dwellings because that will eventually change when a building application is filed and the positioning of those proposed structures will probably be altered.

Mr. Moriarty amended his motion to include the special permit under Article 8 section 120-27-A and section 120-40 extension or change of use of a non-conforming.

Will Eades, DTM Law, suggested that if there is a deed restriction that lot 2 and lot 3 will not be conveyed separately in the future that would be in favor of the town so it lasts in perpetuity otherwise it would expire after 30 years.

Mr. Moriarty amended his motion to include that there be a deed restriction that lot 2 and lot 3 will not be conveyed separately in the future that would be in favor of the town, so it lasts in perpetuity.

The motion as amended was seconded by Ms. Snow-Eikelberg and UNANIMOUSLY VOTED.

New Business:

Case #3537 - Hearing Continued Until 11/19/2025 The petitioners, Michael McDonald & Caitlin Marscher, for property located at **11 Gibbens Street** also shown on Weymouth Town Atlas sheet 16, block 208, lot 1, located in the R-1 district. The petitioner is seeking to:

Special Permit 120-40 Extension or change of a non-conformity

The subject property is 7,641 sf parcel with a single-family dwelling. The applicant seeks to build a 3-bay two story garage behind the single-family dwelling.

Mr. Moriarty made a motion to continue the public hearing on Case #3537 until 11/19/2025 which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Case #3538 -The petitioners, Stephen Goldman, for property located at **75 Finnell Drive** also shown on Weymouth Town Atlas sheet 36, block 452, lots 5 & 12, located in the I-1 district. The petitioner is seeking to:

Special Permit
and/or Variance 120-40 Extension or change of a non-conformity

The subject property is a 450,111 square foot parcel with a multi-use health, fitness and recreational facility. The applicant seeks to create additional parking spaces and construct a one-story storage building.

Mr. Moriarty made a motion to open the public hearing on **Case #3538** which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice which was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Attorney Gregory Galvin appeared before the Board with Josh Green the applicant's engineer from Crocker Design Group. Mr. Galvin stated that this application has been on the Board's agenda for a number of months while the applicant awaited Conservations Commission action due to a significant amount of wetlands that had to

be dealt with and the detention area beyond the bubbles that was being affected by this. He stated that the Engineering Department and Conservation Commission have finally come to an agreement as to how they were willing to accept the plan which resulted in the elimination of nine parking spaces. This plan has been accepted by Conservation and DPW.

Mr. Luongo stated at the Conservation Commission meeting a favorable order of conditions was issued. The main concern was stormwater management which was addressed to their satisfaction.

Mr. Galvin reviewed plans indicating that the applicant is looking to add six parking spaces and to construct a maintenance building which will be under 5000 square feet. It will be one story but because they are going to be parking trucks in there it would probably be closer to 30 feet in height in order to get trucks in and out. The applicant is trying to keep as much of his equipment indoors when not in use.

Mr. Green further reviewed the plans. He stated that on the south side of the property they will add six spaces and improve the sidewalks along the edge. The driveway that goes down to the bubble is gravel and crushed pavement; it will be paved, and a berm will be created to control the stormwater along with 15 spaces and an aisle going down to the proposed maintenance building with some additional parking in front. The proposed maintenance building will be 5000 square feet.

Mr. Green reviewed the stormwater plan. He noted that Conservation wanted to see treatment as well as recharge, so they added a small system to account for that in that area. He added that the bulk of the drainage analysis was in the back portion of the site. He noted that the existing basin had to be altered to allow for the building. That is actually one of the reasons why it went from 6000 square foot down to about just under 5000 square feet. There will be two water quality units; one that controls the pavement that is along the bubble and the other one treats the water that comes down from final drive in the upper parking lot for the proposed roof and the pavement down near that proposed building. There is a subsurface system that provides the necessary treatment as well as the recharge in that area. Previously, there was no recharge in this area.

Mr. Denizkurt stated that the town through the Conservation Commission and the Engineering Department have looked at the water issue in depth. He stated that he has an e-mail correspondence from James J. Donovan dated September 25, 2025, indicating that engineering has seen the updated plans and stormwater report and they have no additional comments.

Mr. Moriarty asked for more detail about the proposed garage.

Mr. Galvin stated that the neighbors will not see the garage because of the topography of the land.

Mr. Green stated that a lot of the equipment is currently stored behind the bubble. It will be further away and contained inside the building. The closest residential property would be 70 feet away never mind the distance on that property to the next dwelling.

Mr. Denizkurt stated that they have not received any correspondence from any town residents regarding this application for or against.

Mr. Luongo asked if there was information regarding what type of material will be used for the building. He stated that he does not want to see a metal building. He stated that he would like to see a building that is decent looking such as a split block building.

Mr. Luongo suggested a condition that the building materials need to be subject to the Planning Department review of the plans.

Mr. Schneider asked if any lighting was being added.

Mr. Green stated that they would be adding a few on the back along the access road towards the abutters and then back behind the building. Due to the topography no vehicles or anything is going back there so there is no need for wall packs. If there was a wall pack on the building it would be pointing towards the front not towards the residence.

Ms. Chin asked about lighting from the corner of the bubble all the way to the next proposed street light pole for the 15 spaces.

Mr. Green stated that there are two light poles proposed in those islands.

Ms. Chin asked about the location of the dumpster.

Mr. Galvin stated that it is on the south side of the property beyond the main building.

Ms. Snow-Eikelberg asked about the use of the parking.

Mr. Green stated they were directed by the applicant that they should account for 16 employees depending on a certain shift so it would be 8 spaces for them and the remainder would be for gym use.

Ms. Chin asked if there was a planned way for pedestrians to make their way across the parking area.

Mr. Green stated that pedestrians would walk on the existing pavement as most of that area is parking and they cannot put a sidewalk on the basin side due to the space constraint.

Mr. Diem asked if the vehicles are already stored on-site during the daily activities of the requirements of the business or is this a new operation.

Mr. Galvin noted that there is an area where the vehicles are currently parked alongside the main facility.

Mr. Diem noted that this is a one story building and it looks like there' are three overhead bays. He asked what the additional 1/3 of the building will be used for.

Mr. Green stated that he did not think that there was a definitive plan. He stated that they had discussed storage for materials currently stored outside.

Mr. Diem asked if this new square footage would be for business use like offices or anything.

Mr. Galvin stated that there would be no offices. It will be warehouse and garage.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was no response.

Mr. Moriarty made a motion to close the public hearing on **Case #3538** which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for **Case #3538** pursuant to 120-40 and a **VARIANCE** for the six proposed parking spaces to be installed in the northwest corner of the lot of the applicant's business being a recreational health club.

SPECIAL PERMIT

1. The specific site is an appropriate location for such use as it is a pre-existing health facility which has been used as a tennis racket and health club for more than 50 years and actually transcending just tennis and racket it does a majority of other health and Wellness associated activities in good standing with both the town and the residents.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town seeing that the applicant is looking to build an approximate 5000 square foot building with a height of no more than 32 feet as estimated by the applicant and subject to plans which would be submitted at some future point in time. The applicant's activities are all located in an industrial neighborhood primarily comprised of warehouse space and other health club related uses and manufacturing.
3. There is no potential for nuisance or serious hazards to vehicles or pedestrians. The applicant is seeking to install six parking spaces in the northwest corner of its lot closest to the street as well as installing a 5000 square foot garage which intends to relocate property of the applicant from its existing parking lot to an

enclosed structure. There will be no traffic as a result of either of the installations of the parking spots or the 5000 square foot garage.

4. There are adequate and appropriate facilities, utilities, and other public services provided for the proper operation of the proposed use. It is a pre-existing facility, and it is not increasing the intensity of use, just utilizing it differently.
5. That the public convenience and welfare will be substantially served by the proposal.

Mr. Moriarty made a motion to approve the applicant's application for a variance for the installation of the six parking spaces at the northwest corner of the lot. A finding specifically the literal enforcement of the provision of the town of Weymouth zoning ordinances would involve a substantial hardship financial or otherwise to the petitioner. The bylaw requires a 40 foot front yard setback and these additional spaces are within the setback. There have been prior hearings regarding the lack of parking spaces and the need for parking spaces for this one particular use. It is not just the applicant's use; it is also the other area neighboring businesses who utilize the street and the roadway as well, not just the applicant's customers. The hardship is owing to circumstances relating to the soil, conditions, shape, and/or topography of the land or structures. The hardship especially affects said land and structures but does not affect generally the zoning district in which it is located. The applicant addressed stormwater and drainage management and how the site is impacted by topography challenges. There are also environmental and conservation challenges as well which the applicant has properly addressed to the satisfaction of the town as indicated by the town itself. The applicant's desired relief may be granted without any detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the town of Weymouth zoning ordinances and as stated, they have discussed the site is at the end of a dead end road. As it concerns the proposed six parking spaces they are closest to the entranceway on Finnel Drive, the use is exclusively for members and applicants of the club and the warehouses across the street. Lastly, the dimensional variances are required as it relates to floor space involving the number of occupants and/or relevant measures if granted shall be no greater than the minimum necessary to provide relief.

The following conditions will apply to both the special permit and the variance

- The location of mechanicals, the architectural design of the garage, the lighting plan, and the landscape plan are subject to review and approval by the town.

The motion for the special permit was seconded by Ms. Snow-Eikelberg.
UNANIMOUSLY VOTED.

The motion for the variance was seconded by Ms. Snow-Eikelberg. UNANIMOUSLY VOTED.

Case #3540 - Hearing Continued Until 11/19/2025 The petitioner, Spanish Trace LLC, for property located at **566 & 576 Washington Street** also shown on Weymouth Town Atlas sheet 29, block 330, lot 4, located in the B-1 district. The petitioner is seeking to:

Special Permit 120-40 non-conformity continuation

The subject property is 122,373 sf parcel with a multi-family apartment building with 87 apartment homes. The applicant seeks to add a new building containing 25 apartment homes in an area of the property that is currently occupied by an in-ground swimming pool.

Mr. Moriarty made a motion to continue the public hearing on Case #3540 until 11/19/2025 which was seconded by Ms. Snow-Eikelberg. **UNANIMOUSLY VOTED.**

Other Business

1. Minutes: NONE
2. Upcoming Meetings: 11/19/2025
3. ADJOURNMENT

Ms. Snow-Eikelberg made a motion to adjourn at 9:20 p.m. and was seconded by Mr. Moriarty. **VOTED UNANIMOUSLY.**

Approved by:  _____ Date 12.17.25