

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON SPECIAL PERMIT/VARIANCE  
82 BROAD STREET**

(To be mailed forthwith to the owner and applicant, if not the owner.)

<b>Owner:</b>	Frank Bridgeman/82 Broad LLC	<b>Date:</b>	August 26, 2016
<b>Address:</b>	197 Hersey Street Hingham, MA 02043		
<b>Applicant:</b>	Frank Bridgeman	<b>Case #:</b>	3288
<b>Address:</b>	197 Hersey Street Hingham, MA 02043		
<b>Representative:</b>	Gregory F. Galvin, Esq. 775 Pleasant Street Weymouth, MA 02189	<b>Site Address:</b>	82 Broad Street
		<b>Sheet:</b>	20
		<b>Block:</b>	269
		<b>Lot:</b>	19

**Zoning District: B-1 / Village Center Overlay District**

Board of Zoning Appeals application filed on April 26, 2016

After a public hearing on June 22, 2016, continued to July 27, 2016, advertised in the Weymouth News on June 8, and June 15, 2016, the Board of Zoning Appeals at its meeting of July 27, 2016

**VOTED TO GRANT THE SPECIAL PERMIT** under Weymouth Zoning Ordinance 120-40; Extension or change of non-conforming use or structure; and **VOTED TO GRANT THE VARIANCE** under Weymouth Zoning Ordinance 120-25.3; Multi-family dwelling units; to allow the petitioner to convert an existing ~10,000 SF two-story building to all residential use by constructing 8 units, 3 1-bedroom units and a studio on the first floor, and 4 1-bedroom units on the second floor, with 12 parking spaces.

**SPECIAL PERMIT FINDINGS:**

1. The specific site is an appropriate location for such a use. *The property is a former Fire Station and a historically important building. It is located within the Weymouth Landing Overlay district which encourages higher density residential development.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The existing building is architecturally important to the neighborhood and will remain substantially unchanged in appearance.*

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3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *Adequate parking has been provided and planned intersection improvements will increase pedestrian safety.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The applicant has agreed to provide an easement to the Town for access to a traffic control box.*
5. That the public convenience and welfare will be substantially served with the proposal. *The building has been vacant for considerable time. Its reuse and preservation are a benefit to the Town and neighborhood.*

#### **VARIANCE FINDINGS:**

*The proposal seeks to reuse a former Town Fire Department. The lot is tight and confined by surrounding residential uses. Previous attempts to redevelop the property for commercial or restaurant use were unsuccessful as the site lacks the size and shape required for required parking. It is financially unfeasible to take down the stone structure.*

#### **CONDITIONS:**

- Any exterior changes to the building façade will be reviewed and approved by the Department of Planning and Community Development.
- Outdoor lighting fixtures and decorative fencing along the streetscape will be consistent in style with those currently existing in the Weymouth Landing neighborhood and will be submitted to the Department of Planning and Community Development for review and approval.
- Access will be limited to Fields Avenue. No direct access to Washington Street will be permitted.
- The applicant will provide easements to the Town of Weymouth to permit access to a traffic control box and associated conduit located on the property.
- Proposed landscaping will be extended to Fields Avenue and a detailed landscape plan will be submitted to the Department of Planning and Community Development for review and approval.
- All dumpsters and HVAC equipment will be screened from view.
- Snow removal will be monitored and snow will be removed from the site as needed.
- Prior to the issuance of an Occupancy Permit, the applicant has agreed to payment of a \$20,000.00, Mitigation Fee to the Town of Weymouth to be used for intersection improvements or for general improvements along Broad Street to increase vehicular and pedestrian safety.

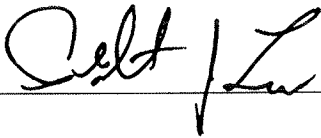
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

After the twenty (20) day appeal period has passed, the Town Clerk will send to the petitioner: (1) the certificate that no appeal was filed, (2) the certificate of granting of variance and/or special permit. (3) record of proceedings. The petitioner shall record these documents with the Norfolk Registry of Deeds, Dedham, MA, with the appropriate filing fee.

When a receipt from the Registry of Deeds is presented to the Building Inspector (to show that the decision has been recorded), the proper permit will be issued.

Decision filed with the Town Clerk on August 26, 2016

**IMPORTANT:** Notice is further given that any person aggrieved by this decision may appeal, according to MGL Chapter 40A, Section 17, and said appeal, if any, must be filed with the Town Clerk within twenty (20) days after the filing of the decision with the Town Clerk.



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Robert J. Luongo, Planning Director

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
**Wednesday, June 22, 2016**

**Members Present:** Richard McLeod, Chairman  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty  
Ed Foley - **Absent**  
Brad Vinton

**Also Present:** Bob Luongo, Planning Director  
Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:06 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

**Case #3288** – The petitioner, Frank Bridgeman, for property located at **82 Broad Street**, also shown on the Weymouth Town Atlas sheet 20, block 269, lot 19, located in an B-1 zoning district and Village Center Overlay District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit;	120-40	Extension or change of non-conforming use or structure
Variance;	120-25.3	Multi-family dwelling units

Presently located on a ~10,000 SF lot is an existing ~10,000 SF two-story building. The petitioner is proposing to convert the building to all residential use by constructing 8 units, 3 1-bedroom units and a studio on the first floor, and 4 1-bedroom units on the second floor, with 12 parking spaces.

**Sitting Members:** Richard McLeod  
Kemal Denizkurt- **Recused**  
Chuck Golden  
Jonathan Moriarty  
Brad Vinton

Ed Foley made a motion to open the public hearing on Case # 3288 and was seconded by Jonathan Moriarty.  
**VOTED 4-0**

Ed Foley made a motion to waive the reading of the publication on Case # 3288 and was seconded by Jonathan Moriarty.  
VOTED 4-0

Appearing before the board was Attorney Greg Galvin, 775 Pleasant Street, Weymouth.

This property is within the Village District and it is the former Fire Station. The former owner operated an accounting business and tried to get other businesses into the location unsuccessfully. A restaurant in the lower level was previously been denied. This is in the overlay district. The owner is looking to convert it into 8 units, 3 1-bedroom units and a studio on the first floor and a 1-bedroom on the second floor. There will only be one entrance and exit.

The overlay district looks for the owners to provide visible amenities. Unfortunately he cannot put in both landscaping and a fence in as there is not enough room. The existing face of the building will remain with minor modifications as recommended by the Planning Department.

Brad Vinton asked how the person in the handicap space would get out if a person is trying to enter the building as the entrance is right there. He asked how many feet from the parking space to the edge of the building. The applicant replied about 10-12 feet.

There will be two small dumpsters that roll out for disposal. The entrance way will be off Fields Avenue and not Washington Street per the town's request. The town will approve any modifications to the front of the building.

Brad Vinton asked what the snow removal plan would be and the applicant said he would remove it or stock pile it on the ledge if needed.

Public Comment:

Susan Barret, 8 Fields Avenue – Asked how will this impact Fields Avenue? Her driveway is diagonally across from the gate. Will she still be able to back out of her driveway? The applicant stated yes. She then asked if there be any fencing along there and the answer was no.

Marion Barret, 8 Fields Avenue – Fields Avenue is almost a single car road. Can she still back into the lot to turn around as she does not want to back out onto Washington Street and the owner said nothing will change, she can still back into his lot.

Wayne Mathews, 952 Commercial Street – Asked about the size of the apartments that are going in and the applicant said the studio units would be 450 square feet and the one bedroom would be 550 square feet.

Staff Comments:

Bob Luongo said this is in the Landing Overlay District and we are encouraging density in this area and he is requesting some relief to increase the density. This building has been problematic over the years. He believes this is the best use for the property. He has a few concerns that he will talk to Attorney Galvin about. Bob requested that the final design on the windows have the Planning Departments approval. The owner would like to make them look like a garage door. They will work together. Also, all four sides of the dumpster should be enclosed, any HVAC systems will need panels around them. He would like to review the fencing to see if they are in line with the rest of the street. A pedestrian scale lighting should be the same style as in the landing with a dual lighting for the parking lot and the sidewalk. Approval of an easement to the town for the signal light.

The signalization at the intersection of Washington and Broad Street are failing and the Planning Department would like the applicant to help contribute to funding this project at a cost of \$30,000. The applicant said tonight this is the first time he has been asked for a mitigation fee and he is willing to work with the town but he is a little taken back at this time. He is planning on gutting the building and this is a very expensive undertaking. The impact he will have on the corner is not productive.

Bob Luongo said the signals will cost approximately \$300,000. This would only average out to be about \$8,000 per unit cost.

Chairman McLeod suggested closing the public hearing while the Planning Department and the applicant have a private conversation about this.

There were no other public comments.

Jonathan Moriarty asked if there will be any signage.

Jonathan Moriarty made a motion to close the public hearing on Case #3288 and was seconded by Chuck Golden.

VOTED 4-0

Jonathan Moriarty made a motion to take this case under advisement until the next meeting on July 27<sup>th</sup> and was seconded by Chuck Golden.

VOTED 4-0

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
**Wednesday, July 27, 2016**

**Members Present:** Richard McLeod, Chairman  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty  
Ed Foley

Brad Vinton

**Also Present:** Bob Luongo, Planning Director  
Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:06 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

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Sitting Members: Richard McLeod  
Chuck Golden  
Jonathan Moriarty  
Brad Vinton

Appearing before the board was Attorney Greg Galvin, 775 Pleasant Street, Weymouth and the applicant Frank Bridgeman. The applicant has presented an updated plan showing a landscaped area along Washington Street and Fields Avenue, proposed a dumpster with screening and distance from back entrance to the first handicap parking space.

Brad Vinton is concerned about the distance between the handicap parking space and the building. Attorney Greg Galvin stated that the plan show there is at least 20 feet and the plan is to scale.

All the shrubbery will be low to the ground to avoid obstructing the line of site for vehicles. The Planning Department said the landscape plan will be reviewed and approved by them prior to any permits issued.

Bob Luongo said he met with the applicant and they discussed a number of conditions. They also discussed mitigation for improvements to the traffic signals and the applicant has agreed on \$20,000 towards it. Payments would be made prior to an occupancy

permit or the sale of the property. The list of conditions go with the property and the mitigation will be one of them.

Public comments: The public was given the opportunity to speak and there were no comments.

Jonathan Moriarty made a motion to close the public hearing on Case # 3288 and was seconded by Chuck Golden.  
VOTED 4-0

Chuck Golden made a motion to approve this application of a special permit on Case # 3288 and the variance and the conditions listed by the staff will be applied to both as well as the mitigation fee. This motion was seconded by Brad Vinton. VOTED 4-0

**Special Permit Criteria for Approval.** The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

1. The specific site is an appropriate location for such a use.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

Chuck Golden made a motion to approve the variance on Case #3288 and was seconded by Jonathan Moriarty. VOTED 4-0

Chuck stated that he believes the siting and the structure provides the hardship for this facility.

**Variance Criteria for Approval.** Weymouth Zoning Ordinance Section 120-119A(3).  
The Three Required Findings For Granting A Variance:

***Finding #1: Soil, Shape, Topography***

Owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located.

- The board must also find that the peculiarity is unique to the zoning district where the parcel is located.
- The peculiarity must not be found in the district as a whole.

***Finding # 2: Hardship***

A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise.

***Finding # 3: Public Good***

Desirable relief may be granted without substantial detriment to the public good and



without nullifying or substantially derogating from the intent or purpose of the ordinance or bylaw.

The following conditions will apply to both the Special Permit and the Variance:

- Any exterior changes to the building façade will be reviewed and approved by the Office of Planning and Community Development.
- Outdoor lighting fixtures and decorative fencing along the streetscape will be consistent in style with those currently existing in the Weymouth Landing neighborhood and will be submitted to the Office of Planning and Community Development for review and approval.
- Access will be limited to Fields Avenue. No access to Washington Street will be permitted.
- The applicant will provide easements to the Town of Weymouth to permit access to a traffic control box and associated conduit located on the property.
- Proposed landscaping will be extended to Fields Avenue and a detailed landscape plan will be submitted to the Office of Planning and Community Development for review and approval.
- All dumpsters and HVAC equipment will be screened from view.
- Snow removal will be monitored and snow will be removed from the site as needed.

The applicant or successor will be required to pay \$20,000 towards the modification of the traffic signal, to be paid prior to an occupancy permit

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

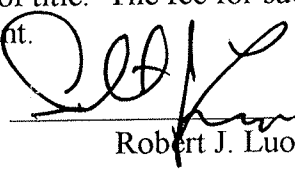
**BOARD OF APPEALS**

August 26, 2016

**Certificate of Granting of Variance or Special Permit**  
**(General Laws Chapter 40A, Section 11)**

The Board of Appeals of the town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Frank Bridgeman, 197 Hersey Street, Hingham MA 02043, affecting the rights of the owner with respect to land or buildings at 82 Broad Street, also shown on the Weymouth Town Atlas Sheet 20, Block 269, Lot 19, and the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance – special permit, and that copies of said decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

  
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Robert J. Luongo, Planning Director

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Kathleen Deree, Town Clerk

Case # 3288

Date of Hearing: 6/22/2016, 7/27/2016