

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT
36-50 FINNELL DRIVE**

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

Owner:	RPI Finnell Drive LLC	Date:	April 14, 2016
Address:	27 Mica Lane #201 Wellesley, MA 02481		
Applicant:	Christopher Traietti	Case #:	3279
Address:	48 Germain Avenue Quincy, MA 02169		
Representative:	N/A	Site Address:	36-50 Finnell Drive
		Sheet:	36
		Block:	452
		Lot:	4

Zoning District: I-1

Board of Zoning Appeals application filed on February 18, 2016

After a public hearing on March 9, 2016, continued to March 30, 2016, advertised in the Weymouth News on February 24, and March 2, 2016, the Board of Zoning Appeals at its meeting of March 30, 2016

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance 120-29 E Use; Place of Recreation or Assembly, to allow the petitioner to open a non-contact cardio boxing studio in an existing building located in an industrial park.

FINDINGS:

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. **It in an industrial park.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **It is in an industrial park and there will be workout classes.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **Property management stated there are enough spaces to accommodate the applicant.**

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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. **It is nice to have a business where people can stay healthy.**

CONDITIONS:

The property manager will enforce any parking problems with fines and make sure the parking is not a problem.

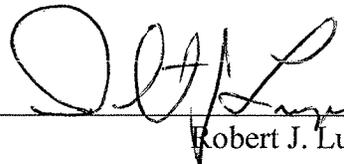
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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 April 14, 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.



Robert J. Luongo, Planning Director

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, March 9, 2016

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

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 7:00 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Case #3279 – The petitioner, Christopher Traietti, for property located at **36-50 Finnell Drive**, shown on the Weymouth Town Atlas sheet 36, block 452, lot 4, located in the I-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-29 E Use; Place of Recreation or Assembly

The petitioner seeks to open a non-contact cardio boxing studio in an existing building located in an industrial park.

Sitting Members: Richard McLeod
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Ed Foley

Ed Foley made a motion to open the public hearing on Case # 3279 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the public notice on Case # 3279 and was seconded by Chuck Golden.

VOTED UNANIMOUSLY

Appearing before the board was the applicant Christopher Traietti, 48 Germain Avenue Quincy and his partner Ryan Cozescki 57 Summer Street, Quincy, Ma.

Both are professional fighters and it is a booming business. This is a non-contact cardio boxing gym for kids ages 10 and up to adults.

Classes are before normal business hours at 5:30-8:30 am and then during typical business hours would be private lessons with no noise. After school hours are more classes for teenagers.

Hours of operation will be from 5:30 am to 8:00 pm weekdays and 8:00 am-5:00 pm on Sundays and 8:00 am - 4:00 pm on Sundays. They may open at 7:00 am on weekends depending on the need.

It is located in building #50. A few doors down from them is a dance studio. Noise is a concern for everyone so the back overhead doors will not be opened. Everything will be inside the building.

Kemal Denizkurt would like to know where the parking would be. The applicant stated that each business gets 2 designated spots. The overflow parking lot is right next to them so everyone else will be in the overflow.

Chairman MacLeod said if the maximum number per class is 20, where will you put the 20 cars? He would like to see the detailed parking spaces and the overflow lot with lined spaces. Weymouth Club is struggling with parking. It was stated there are about 35 spaces in the overflow lot. There is concerns that there is not enough parking spaces in the overflow if the applicant is using 20 and there is also a dance studio there.

Chuck Golden asked where the overflow parking lots are. He would like a better plan submitted.

Jonathan Moriarty suggested the applicant look at what was submitted by Cross-fit and the Dialysis Center to see what the board is looking for as far as a parking plan. The Planning Department could provide this information for them.

The applicant is concerned because they are already paying rent and continuing this will create a hardship for him as they will still need to do renovations and have a 20 day appeal period.

Bob Luongo is willing to call the owner or realtor to see if they can give the applicant a break for a month's rent to help them out because the town needs more information and we believe it is good fit down there. The applicant will call Bob Luongo tomorrow.

Ed Foley made a motion to continue this case to March 30, 2016 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

**BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, March 30, 2016**

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

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 7:00 p.m. at the Town Hall, Council Chambers, 75 Middle Street and explained the procedures that would be followed to the people present.

Case #3279 – Continued Public Hearing from 3/9/2016 - sitting members: McLeod, Foley, Denizkurt, Golden, Moriarty – The petitioner, **Christopher Traietti, for property located at 36-50 Finnell Drive**, shown on the Weymouth Town Atlas sheet 36, block 452, lot 4, located in the I-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-29 E Use; Place of Recreation or Assembly

The petitioner seeks to open a non-contact cardio boxing studio in an existing building located in an industrial park.

Sitting Members: Richard McLeod
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty- **Absent**
Ed Foley

Appearing before the board was Brett Levy, Manager of the company that owns the property.

Chairman McLeod said the board was concerned with the overflow parking during peak hours.

Mr. Levy said as the property manager they make sure there is enough parking spaces for all tenants without disrupting the other tenants. Some tenants have 18-19 spaces and only use 4. It is their job to maintain order on the property. They would not have signed a lease with them if they thought parking would be a problem and it is part of the lease agreement that parking will not be disruptive to others.

Kemal Denizkurt asked how many parking spots does the applicant have. Mr. Levy stated they have 3 spaces in the front and in the rear it's a 20 foot wide by 40 foot deep area that they could put 6 cars in for a total of 9 spaces.

Mr. Levy reviewed a map with the board and said the yellow spots in between the building are striped, the boxed areas are striped and then there are parallel striped parking in the yellow overflow areas. He is estimating that you could probably fit up to 40 vehicles.

In the morning the applicant will have classes of 10-12 people and during the day there will be 4 classes one on one and in the evening as many as 20 people but will most likely be 10-12.

If someone uses more spaces than they are entitled to the property manager will fine the tenant whose customer is causing the violation. He has not encountered this problem to date.

Chuck Foley asked if the moving company has spoke with this applicant and Mr. Levy said not yet but he told him that they could use them.

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

Ed Foley made a motion to close the public hearing on Case # 3279 and was seconded by Chuck Golden.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve the application for a special permit under section 120-29E, Use; Place of Recreation and Assembly.

The applicant stated that the property manager said business #36 has 15 spaces and has up to 6 employees which would free up 9 spaces and the applicant has 9 spaces for a total of 18 spaces which is enough.

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. **It in an industrial park.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **Its in an industrial park and there will be workout classes.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **Property management stated there are enough spaces to accommodate the applicant.**
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. **It is nice to have a business where people can stay healthy.**

Conditions:

The property manager will enforce any parking problems with fines and make sure the parking is not a problem.

This motion was seconded by Chuck Golden
VOTED UNANIMOUSLY

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

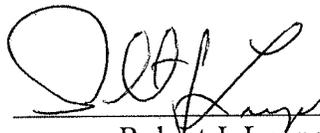
BOARD OF APPEALS

April 14, 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 Christopher Traietti, 48 Germain Avenue, Quincy, MA 02169, affecting the rights of the owner with respect to land or buildings at 36-50 Finnell Drive, also shown on the Weymouth Town Atlas Sheet 36, Block 452, Lot 4, 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.



Robert J. Luongo, Planning Director

Kathleen Deree, Town Clerk

Case # 3279

Date of Hearing: 3/9/2016, 3/30/2016