RECEIVED OWN OF WEYMOUTH

# TOWN OF WEYMOUTH 2016 AUG -1 BOARD OF ZONING APPEALS APPLICATION -1 AM 11: 18

TO BE COMPLETED BY STAFF	M II: 18
Case Number: $\pm 3307$	Town Clerk Stamp
Submittal Accepted: Date Date Date Signature of Planning Dept. Staff for minimal requirements	<u> </u>
Determined to be complete and may now be filed with Town Clerk.	
Signature of P	Principal Planner or Director
PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT PROJECT / PROPERTY STREET ADDRESS: 75 Finnell Drive	
Assessor's Map Sheet, Block, & Lot: Map 36, Block 452, Lots 5 &	10
Zoning District: Industrial -1 (I-1)	12
OWNER OF RECORD (S) (print & sign): Finnell Drive Realty, LLC  (The owner of record is the person or entity who owns title to the property as of the person of the person of the person of the property as of the person of the pe	
Address of owner of record: 75 Finnell Drive, Weymouth, MA	oday's date)
Norfolk County Registry of Deeds Book and Page No	
Or registered in Land Registration Office under Certificate No. 160364	
NAME OF APPLICANT (S) (print & sign): Stephen E. Goldman	
Applicant's Address: 75 Finnell Drive, Weymouth, MA	
Contact Information: Email	781-337-4600
Check if you are an: owner(s) lessee(s) optionee (s)	701 001 4000
NAME & AFFILIATION OF REPRESENTATIVE:	
Address:	
Contact Information: Email	
NAME OF ENGINEER AND / OR ARCHITECT: Sean Guinan, S3 Design	an Inc
Prior to submitting your application you must review this entire package and Regulations outlining the Board's policies and procedures. Your signature signifies required material and you will be expected to adhere to them.	the Board Rules and that you have read the
I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and the statements within my (our) application are true and accurate to the best of my (our) Gregory F. Galvin, Esq., July 20, 2016	d Regulations and that our) knowledge.
Applicant Petitioner - Date (sign & print	
Veymouth Zoning Board Application, Revised November 2014	

NATURE OF REQUEST:
Application is for:XSpecial Permit _XVariance Amendment Other:
Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):  Article IX, S. 120-29 E Special Permit Uses-Place of recreation or assembly; Article XIII, S. 120-39 Continuation; S. 120-40 Extension or change by Special Permit;  Article XV, S. 120-51 Table 1 Schedule, of District Regulations, Front yard set-back; Article XVII S. 120-74Q Minimum required spaces, Unlisted requirements
The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the benefit of plan to accurately advertise the application before the Board.
PETITIONER'S DESCRIPTION AND NARRATIVE: To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.
1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):
The property is the location of a multi-use health, fitness and recreational facility, with tennis courts, swimming pools, fitness, therapy, mind and body spa, conference rooms and restaurant.
2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):
The applicant is seeking to reconfigure the front entrance by moving the drop-off from the left side of the entrance roadway to the right side where there is proposed covering reducing the front yard set-back. Further, to remove about 24 parking spaces in the unfinished road an replace them on the applicants property.
3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).
Article IX S. 120-29E Place of recreation or assembly is by Special Permit.
<ol> <li>Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).</li> </ol>
Yes, 8/24/95 # 2307; 12/17/99 # 2457; 6/13/01 # 2536; 1/20/03 # 2684; 2/22/07 # 2933;6/20/12 # 3164; 2/20/13 # 3186; 4/1/2015 #3248
Any other additional information as relevant to the Variance or Special Permit:
The applicant is modifying the front landscaping at the entrance.

# **ZONING COMPUTATION WORKSHEET**

(To be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

Data	Required	Existing	Proposed	
Use				
Lot Area / Size (Sq. Ft.)	20,000	450,411	450,411	
Dwelling Units	None	None	None	
Frontage (ft.)	40	1385	1385	
Lot Width (ft.)	100	1385	1385	
Front Yard Setback (ft.)	40	40	40	
Front Yard Setback (ft.)  - comer lots	-	_	none (	
Side Yard Setback (ft.)	25	>25	>25	
Side Yard Setback (ft.)	-	-	para	
Rear Yard Setback (ft.)	50'	50'	50'	
Height (ft.) & # of Stories	<80' & 6	2	2	
Lot Coverage	80%	80%+	Same	
Off-Street Parking Spaces	297	281	304	
Off-Street Loading Spaces		2	2	
Parking Setback				
Accessory Structure Setback	-	-	para di salatana di salata	
Landscaping	20%	<20%	<20%	
Floor Area Ratio	-	-		
Signage		-		
Other:		-	-	

## SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

#### SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit *only* if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.

The site is presently used as a multi-use health and recreational facility and the owner is seeking to keep up with the changes in the industry and provide the amenities that are sought by their membership base.

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

This is a continuation of an ongoing use with the offering of additional open exercise space and converting open seating area to a child water park area.

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

The applicant is providing additional parking for the current uses and expected changes.

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

The changes will be properly incorporated in the owners existing facility.

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

The changes/additions are designed to provide the opportunity to enjoy all of the new innovations in the health, fitness and recreational industry.

#### SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS

# Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use

(Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

#### **EXTENSION OR CHANGE FINDINGS OF FACT:**

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):

The current lot coverage including parking and outdoor activities exceed the maximum lot coverage of 80% however the applicant is seeking to increase the lot coverage by altering the existing drainage area by adding more parking and safer access to the main building.

2. Indicate how long the nonconforming aspects of the structure have been in existence:

The current use began in the late 1970's and has been modified internally and externally on numerous occasions. The current external uses have been in existence since approximately January 2003.

3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.

The use was allowed by Special Permit and relief has been granted on the lot coverage, landscaping and front yard set back from the beginning.

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

The applicant will not extend any existing non-conformity however intends to modify the activity within the existing impervious area, and his investigations suggest that there is adequate parking within his property.

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

The applicant has 282 identified parking spaces and space for an additional 25 in a graded and gravel area at the far end of the property that is used by employees.

6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

The applicant is seeking to make the access to the main club area safer and to bring all necessary parking fully on applicants property.

### VARIANCE APPLICATION

To be completed for Variance applications only.

#### **VARIANCE FINDINGS OF FACT:**

Criteria for approval. The Board may approve any such application for a Variance *only* if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.

The applicant is constantly experiencing additional competition in a business that is evolving on a perennial basis. The proposed changes are designed for safer access for the clientele and to bring all required parking on site.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

The applicant's lot and building uses have existed for over 45 years and the changes are primarily altering the existing uses.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

The applicant has demonstrated that he has adequate parking for the changes in the current use.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

The change of the front entrance is for the safety of the membership and the additional parking will assist bringing the membership fully onto the applicant's property.

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMETNS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.

#### **Existing Parking Calculations**

Area Description	Parking Rate Factor	Area/ Item	Spaces Required	
Tennis Courts	Two Parking Spaces per Court	15	30	
Day Care Center	One Space per Employee	3	3	
Gymnasium	10 Spaces per 1/2 Court	1	20	
Employees	One Space per Non-Office Employee	13	13	
Office Area	One Space per 200 s.f.	1200	6	
Center for Wellness	One Space per 100 s.f.	2100	21	
Physical Therapy	One Space per 200 s.f.	2800	14	
Common Areas	One Space per 200 s.f.	1340	7	
Aerobics Area	One Space per 150 s.f.	3900	26	
Exercise Area	One Space per 200 s.f.	10500	53	
Pool Common Area	One Space per 200 s.f. of Common Area	4800	24	
Restaurant	One Space per 1.5 Seats	45	30	
Locker Rooms/ Bathrooms/	Add 20% of Spaces Required for Tennis Courts,		26	
Sauna	Exercise, and Pool			
Total Parking Spaces Required for Existing Space				

#### Proposed Parking Calculations

Area Description	Parking Rate Factor	'Area/ Item	Spaces Required	
Storage	Non-Factor (No added Occupants)	1500	0	
Office	Relocated from Existing Space (Now Storage)	0	0	
Restrooms	Non-Factor (No added Occupants)	120	0	
Exercise/ Multipurpose Area	One Space per 150 s.f.	4550	31	
Total Additional Parking Spaces Required for New Space 31				
Total Parking Spaces Required			304	

#### Method of Calculation of Parking Spaces:

Our method of calculating the required number of parking spaces has been changed from the original calculation as follows:

- 1. The new office is a relocation of space. The original offices are being turned into storage and restrooms.
- 2. The restrooms provided should not affect the parking count because this does not add occupancy.
- 3. The Aerobics/ Multipurpose area is calculated as one parking space for every 150 s.f.
- 4. The storage provided should not affect the parking count because this does not add occupancy.

In our calculation we assumed that the newly proposed exercise area will require the same amount of space as the Aerobics classes previously calculated. The additional area calculated should add an additional 24 spaces to the previously calculated 273, leaving the total to be 297. We feel that adding an additional 20 parking spots to the existing 280 should sufficiently fulfill the requirements needed for the Weymouth Tennis and Athletic Club, totaling 300 spots.





