

TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

TO BE COMPLETED BY STAFF

Case Number: # 3321 Town Clerk Stamp
Submittal Accepted: C.S. Date 1/9
Signature of Planning Dept. Staff for minimal requirements
Determined to be complete and may now be filed with Town Clerk: _____
Signature of Principal Planner or Director

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 0 Front Street & 59 Washington Street
Assessor's Map Sheet, Block, & Lot: 20-277-23 & 277-1
Zoning District: B-2 Overlay District: Village Center
OWNER OF RECORD (S) (print & sign): Gordon S. McGinnis
(The owner of record is the person or entity who owns title to the property as of today's date)
Address of owner of record: P.O. Box 914, 11 Camelot Way, Dennis, MA 02638
Norfolk County Registry of Deeds Book and Page No. Bk 6811, Pg 579

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Zero Front Street, LLC c/o The Heritage Companies
Applicant's Address: 70 Quincy Avenue, Quincy, MA 02169
Contact Information: Email mkiley@heritagecos.com Phone 617-221-1030

Check if you are an: owner(s) lessee(s) optionee (s)

NAME & AFFILIATION OF REPRESENTATIVE: _____
Address: Edward Fleming, 85 Clay Street, Quincy, MA 02170 - Attorney
Contact Information: Email efleming@flemingpc.com Phone 617-472-5100

NAME OF ENGINEER AND / OR ARCHITECT: Karlis Skulte / Garry Gardner

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.

Michael Kiley, [Signature] 1/9/17
Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: Special Permit Variance Other: _____

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

Section 120-25.3 (Special Permit), in accordance with Section 120-122, Section 120-40 (Alteration of Non-Conforming structure)

Section 120-25.5 (Intensity of Use - Height, Setbacks, Transparency)

Section 120-25.7 (Required Parking) & Section 120-25.9 (Special Permit-Parking)

Section 120-25.10 (Landscaping)

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 at 59 Washington Street consists of a two story commercial building occupied by a restaurant on the first floor with vacant offices above. The property at 0 Front Street consists of a sixteen (16) vehicle surface parking lot.

- 2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

The applicant seeks to rehabilitate the existing commercial building at 59 Washington Street and convert the second floor office space into two, residential units, and construct a new three (3) story residential building with two (2) levels of parking and twenty-one (21) residential units. The first floor of parking on grade level will be available for shared use for the restaurant to ensure not less than 17 spaces per earlier BZA approval.

- 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).

The mixed use of the existing commercial building is permitted as a matter of right new Village Center zoning and the proposed new multifamily use is permitted by Special Permit under Section 120-25.3.

- 4. 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).

Yes, the properties were the subject of an earlier decision of this board, dated December 6, 2006, Case No. 2930, which permitted the restaurant use of the first floor of 59 Washington Street with 17 parking spaces to be provided on 0 Front Street.

- 5. Any other additional information as relevant to the Variance or Special Permit:

There is significant additional parking available in a municipal parking lot in close proximity to the proposed development site as well as on street parking.

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	Mixed use	Commercial	Mixed use
Lot Area / Size (Sq. Ft.)	None	2136/17703	2136/17703
Dwelling Units		0	23
Frontage (ft.)	None		
Lot Width (ft.)	None		
Front Yard Setback (ft.)	0	0/0	0/ +/- 0.83
Front Yard Setback (ft.) – corner lots	0		0/ +/- 0.83
Side Yard Setback (ft.)	0	0/ vacant	0/+/- 0.92
Side Yard Setback (ft.)	0	0/ vacant	0/ +/- 0.92
Rear Yard Setback (ft.)	0	0/ vacant	0/+/- 10.15
Height (ft.) & # of Stories	50 & 4 stories - SP	2.5 stories	42.1 & 3+ stories
Lot Coverage			
Off-Street Parking Spaces	52	17	44
Off-Street Loading Spaces	None	None	None
Parking Setback	5	5+	Garage
Accessory Structure Setback	N/A	N/A	N/A
Landscaping			
Floor Area Ratio	50/80%	0/80%	+/-68/80%
Signage	Building	Building	Building/Address
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.

Yes, the properties are located in the Village Center overlay district, which was created to encourage mixed use and multifamily development. The properties are also in close proximity to the commuter rail and Weymouth Landing retail and amenities.

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

The proposal is in conformity with the Weymouth Mater plan and the intent of the Village center overlay district and will improve existing conditions by rehabilitating the commercial building and by providing more controlled parking for the commercial and residential use with a garage structure.

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

The proposal will not cause any hazard to vehicles or pedestrians by providing controlled access to the parking garage and appropriate site lines and warning to, and for, exiting vehicles.

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

The applicants site engineer, EBI Consulting, has conducted a complete analysis of existing utilities and public services and has provided for information and upgrade to the facilities, which has been review by Weymouth departments to ensure appropriate facilities for the proposal.

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

Yes, the proposal provide for an improved commercial building on Washington Street within the Landing and new, first class, transit oriented housing within close proximity to the Landing businesses and amenities and the commuter rail. These new residents will provide business to the Landing business community and limit vehicular traffic through use of public transportation.

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 commercial building at 59 Washington Street is served by an off-site parking lot located on the adjacent parcel of 0 Front Street permitted by this Board in BZA Case #2930 and is otherwise served by public, municipal parking.

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

The nonconforming nature of the property has existed since the buildings construction and enactment of the bylaws.

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.

No

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

The alteration of the properties off-site parking houses the parking area in a garage structure, but otherwise does not adversely impact the number of spaces or use of the off-site facility. The 17 parking spaces, originally provided to the commercial use, will remain available to the commercial 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 commercial building is presently provided with 17 off-site parking spaces and will continue to be provide the same number of spaces should the board approve the proposed changes.

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 alteration of the off-site parking spaces will not impact the spaces presently available to the commercial property, and will, in fact, improve the availability of the spaces by enclosing them with a controlled garage structure, which will limit unpermitted use of the spaces.

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 long and triangular shape of the parcel at 0 Front Street along with difficult soil conditions and topography create a hardship that make full compliance with the setback requirements extremely difficult and burdensome.

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 long and triangular shape of the parcel at 0 Front Street along with difficult soil conditions and topography create a hardship that make full compliance with the setback requirements extremely difficult and burdensome.

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 site conditions allows for the proposed building to be carved into the site to minimize any negative impact from the requested relief and relief may be granted without any detrimental impact to the surrounding community. Furthermore, the proposal complies with the intent of the new Village overlay district and Master Plan.

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.

N/A

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS 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.