

3. There will be no nuisance or serious hazard to vehicles or pedestrians:

Parking spaces are located along the rear, side and front of the building. Circulation around the west side of the building is one way and has been indicated with new directional signage. The petitioner's business has four parking spaces in front of the space and there are 31 shared common spaces on the westerly side of the building.

4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use:

The class sizes will be approximately 6-10 adults at a time, Monday – Friday evenings and weekend morning classes, with a total of ~75 students / clients anticipated. Private lessons and photography for business advertising will also be performed on site and the open floor plan and offices are needed.

5. The public convenience and welfare will be substantially served:

The Board found that this proposal will attract a new business to town that will serve as a headquarters and office space for the company and its affiliates.

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, and (3) the 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 January 26, 2015

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.



James Clarke, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

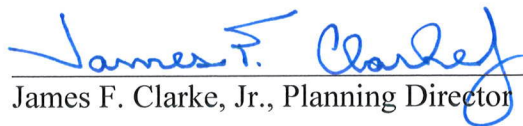
BOARD OF APPEALS

January 26, 2015

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 Andre Almeida, 17 Marie Ave., Weymouth MA 02190, affecting the rights of the owner with respect to land or buildings at 330 Libbey Industrial Parkway, also shown on the Weymouth Town Atlas Sheet 38, Block 445, Lot 28, 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.


James F. Clarke, Jr., Planning Director

Kathleen Deree, Town Clerk

Case # 3246

Date of Hearing: 12/3/2014, 1/7/2015

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, December 3, 2014**

Members Present: Richard McLeod Chairman
Chuck Golden
Kemal Denizkurt
Jonathan Moriarty
Brad Vinton

Absent: Ed Foley, Vice Chairman

Also Present: Abby McCabe, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:25 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

NEW BUSINESS

Case # 3246 – 330 Libbey Industrial Parkway – Public Hearing

The petitioner, Andre Almeida for property located at 330 Libbey Industrial Parkway, also shown on the Weymouth Town Atlas Sheet 38, Block 445, Lot 28, building 330, located in a POP (Planned Office Park), Groundwater and Watershed Protection overlay zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Place of recreation or assembly (Article XA, Section 120-35.2.2 H).

Presently located on the premises are two buildings occupied for office and light industrial warehouse uses. The petitioner is proposing a ~3,000 SF martial arts studio in unit 500 in the rear building.

Members sitting: Richard McLeod
Chuck Golden
Kemal Denizkurt
Jonathan Moriarty
Brad Vinton

Kemal Denizkurt made a motion to open the public hearing on Case # 3246 – 330 Libbey Industrial Parkway and was seconded by Jonathan Moriarty. Voted unanimously.

Kemal Denizkurt made a motion to waive the reading of the published legal notice on Case# 3246 – 330 Libbey Industrial Parkway and was seconded by Jonathan Moriarty. Voted unanimously.

Appearing before the board was Jim Faux and Aundrea Meda. They stated that their school is a ground sport and the majority of the classes are in the evening. Peak classes may have 10-12 people and there are 2 instructors. They stated that they believed there is ample parking on site. The business is currently in Rockland and they have about 100 students with different skill levels. They are leaving Rockland due to their location in that town. This location in Weymouth is very close to the highway and is a larger space.

They also have a small factory in Farmington, Maine where they make uniforms. There will be no manufacturing out of Weymouth or storage of any products here.

Brad Vinton asked if there would be specific designated parking for the employees or for patrons. Mr. Vinton said that he was concerned with the parking. He visited the site and the surrounding businesses and learned that there is the Stars Cheerleading School in building 1 that has evening classes until 9:00 PM and the Dialysis Center has a deeded parking spaces and ambulances drop-off. Additionally, the one way around the building was not identified with adequate signage – only one small one way sign not visible until you have already driven down the one way.

The property manager, Steven Syman, was present and said they have five (5) parking spaces directly in front of the building and then some shared spaces. The spaces from #400 down are all deeded spaces. There are 31 common spaces on site.

Kemal Denizkurt asked for a layout of who the tenants / businesses in the building and who owns what parking spaces. This map should be labeled to show any and all deeded spaces or designated spaces and show each use to correspond with the businesses and all be color coded.

The Board agreed that signage in the parking lot is not adequate and needs to be addressed especially with a lot of people coming and going. The property manager was present and said that he will address this. The biggest concern is the one-way traffic flow.

Chuck Golden asked if the uniforms will be sold and thus make the proposed use retail? The applicant responded that they will not be selling the uniforms at this location because they are sold at their Maine location.

Ms. McCabe reviewed her staff memo dated November 26, 2014. The Health Department submitted comments regarding the Town's Nuisance Ordinance and that the air quality ventilation for indoor air contaminants should be considered by the applicant. The applicant responded that they received the comments and that they would take into consideration the space's ventilation and the other tenants in the building. She added that she noticed that the one way signage was not clearly identified when visiting the site.

Chairman McLeod opened the hearing up for public comment. The public was given the opportunity to speak and there were no comments.

Jonathan Moriarty made a motion to continue the public hearing to January 7, 2015 for the applicant to submit the requested information on the parking and tenant / use layout. The motion was seconded by Brad Vinton. Voted unanimously.

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, January 7, 2015**

Members Present: Richard McLeod Chairman
Chuck Golden
Kemal Denizkurt
Jonathan Moriarty
Brad Vinton

Absent: Ed Foley, Vice Chairman

Also Present: Abby McCabe, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:05 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Old Business:

Case # 3246 – 330 Libbey Industrial Parkway – Public Hearing

The petitioner, Andre Almeida for property located at 330 Libbey Industrial Parkway, also shown on the Weymouth Town Atlas Sheet 38, Block 445, Lot 28, building 330, located in a POP (Planned Office Park), Groundwater and Watershed Protection overlay zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Place of recreation or assembly (Article XA, Section 120-35.2.2 H).

Presently located on the premises are two buildings occupied for office and light industrial warehouse uses. The petitioner is proposing a ~3,000 SF martial arts studio in unit 500 in the rear building.

Members sitting: Richard McLeod
Chuck Golden
Kemal Denizkurt
Jonathan Moriarty
Brad Vinton

Appearing before the Board was Jim Faux and Andre Almeida. At the last meeting the board had two concerns; one was the parking and the other one was directional signage specifically related to the one-way travel around the side of the building.

Mr. Faux stated that they addressed the signage immediately by installing new “do not enter” signs and the Town’s Traffic Engineer did a site visit and would like to see more signs and a standardized sign. These comments have both been addressed.

Chuck Golden expressed his concern about the ambulance that parks there because they block the one-way sign and perhaps it could be moved down a little further. Also how much of the building is occupied. Mr. Faux responded that the building was 90% occupied.

Jonathan Moriarty made a motion to close the public hearing on Case #3246 and was seconded by Chuck Golden and voted 5-0.

Chuck Golden made a motion to approve the special permit on Case #3246, 330 Libbey Parkway and was seconded by Jonathan Moriarty. Voted unanimously.

Special Permit Criteria for Approval:

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 complimented the detailed parking analysis the board received. He is pleased that the other tenants have offered them additional parking spaces even though it doesn’t seem to be necessary. Voted Unanimously.