

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION**

**TO BE COMPLETED BY STAFF**

Case Number: 32857

Town Clerk Stamp

Submittal Accepted: [Signature]

Date 4/5/16

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:** 110-140 Main Street and 559 Washington St.

Assessor's Map Sheet, Block, & Lot: Map 29, Block 329, Lots 10, 12, 15 & 21

Zoning District: B-1

Overlay District: \_\_\_\_\_

**OWNER OF RECORD (S)** (print & sign): RK Weymouth LLC

(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: 456 Providence Highway, PO Box 111, Dedham, MA 02026

Norfolk County Registry of Deeds Book and Page No. Book 25088, Page 177

Or registered in Land Registration Office under Certificate No. \_\_\_\_\_

**NAME OF APPLICANT (S)** (print & sign): RK Weymouth LLC / PRINCIPAL 10

Applicant's Address: 456 Providence Highway, PO Box 111, Dedham, MA 02026

Contact Information: Email \_\_\_\_\_ Phone 781-320-0001

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

**NAME & AFFILIATION OF REPRESENTATIVE:**

Address: Gregory F. Galvin, Esq

Contact Information: Email ggalvin@gregorygalvin.com Phone 781-340-5335

**NAME OF ENGINEER AND / OR ARCHITECT:** Bohler Engineering

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.

Gregory F. Galvin, Esq.,

April 1, 2016

Applicant / Petitioner - Date (sign & print)

KEVIN HYNES [Signature]

## 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):

Article VII Sec. 120-25(A) Special Permit uses - Shopping Center. Article XVII Sec. 120-74(Q & R) Minimum required parking spaces.

*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 space houses a retail shopping mall. One space is currently vacant containing approximately 11,000+/- square feet.

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

The applicant has a local restaurant operator wishing to put a full service restaurant in a portion (about 9,000+/- s. f.) of the vacant space.

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 VII Sec. 120-23 (A).

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).

Dec. #2137 rec'd. Book 5303, Page 15  
Dec. #3010 rec'd. Book 26162, Page 264  
Dec. #3176 rec'd. Book 31176, Page 486  
Dec. #3229 rec'd. Book 32522, Page 213

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

## 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                                       |          | Shopping Plaza | Shopping Plaza |
| Lot Area / Size (Sq. Ft.)                 | 65,340   | 599,059        | 599,059        |
| Dwelling Units                            | N/A      | N/A            | N/A            |
| Frontage (ft.)                            | 100'     | >100'          | >100'          |
| Lot Width (ft.)                           | 100'     | >100'          | >100'          |
| Front Yard Setback (ft.)                  | 30'      | >500'          | >500'          |
| Front Yard Setback (ft.)<br>– corner lots | N/A      | N/A            | N/A            |
| Side Yard Setback (ft.)                   | 10'      | >10'           | >10'           |
| Side Yard Setback (ft.)                   | N/A      | N/A            | N/A            |
| Rear Yard Setback (ft.)                   | 10'      | >10'           | >10'           |
| Height (ft.) & # of<br>Stories            | N/A      | N/A            | N/A            |
| Lot Coverage                              | 50%      | <50%           | <50%           |
| Off-Street Parking<br>Spaces              | 826      | 585            | 585            |
| Off-Street Loading<br>Spaces              | N/A      | N/A            | N/A            |
| Parking Setback                           | N/A      | N/A            | N/A            |
| Accessory Structure<br>Setback            | N/A      | N/A            | N/A            |
| Landscaping                               | 15'      | 15'            | 15'            |
| Floor Area Ratio                          | N/A      | N/A            | N/A            |
| Signage                                   | N/A      | N/A            | N/A            |
| Other:                                    | N/A      | N/A            | N/A            |

## 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 and has been used as a shopping mall for over 40 years. The applicant is seeking to add a restaurant. In the past there have been so-called "Sub-shops" located within the building

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

The applicant has made significant improvement to the internal rotation of traffic within the lot and has up-graded the main entrance from Main Street with new turning lanes and traffic signals.

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

With the new internal traffic rotational flow and the traffic signals at the Main Street entrance, the potential of nuisance or serious hazard to vehicles or pedestrians has been substantially minimized.

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

The applicant believes this new establishment will bring an alternative venue to the Town of Weymouth.

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

This use will give the inhabitants of Weymouth an alternative venue for affordable dining.

## 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):

N/A

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

N/A

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.

N/A

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

N/A

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

N/A

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:

N/A

## 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.

N/A

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.

N/A

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.

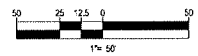
N/A


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.







# BOHLER ENGINEERING

LANDSCAPE ARCHITECTURE  
LANDSCAPE ARCHITECTS

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**SITE CIVIL AND CONSULTING ENGINEERING**

PROGRAM MANAGEMENT    LANDSCAPE ARCHITECTURE

DESIGN SERVICES    LANDSCAPE ARCHITECTS

- ♦ ALABAMA
- ♦ ARIZONA
- ♦ CALIFORNIA
- ♦ COLORADO
- ♦ CONNECTICUT
- ♦ DELAWARE
- ♦ FLORIDA
- ♦ GEORGIA
- ♦ ILLINOIS
- ♦ INDIANA
- ♦ IOWA
- ♦ KANSAS
- ♦ KENTUCKY
- ♦ LOUISIANA
- ♦ MARYLAND
- ♦ MASSACHUSETTS
- ♦ MICHIGAN
- ♦ MINNESOTA
- ♦ MISSISSIPPI
- ♦ MISSOURI
- ♦ MONTANA
- ♦ NEBRASKA
- ♦ NEVADA
- ♦ NEW HAMPSHIRE
- ♦ NEW JERSEY
- ♦ NEW MEXICO
- ♦ NEW YORK
- ♦ NORTH CAROLINA
- ♦ NORTH DAKOTA
- ♦ OHIO
- ♦ OKLAHOMA
- ♦ OREGON
- ♦ PENNSYLVANIA
- ♦ RHODE ISLAND
- ♦ SOUTH CAROLINA
- ♦ SOUTH DAKOTA
- ♦ TENNESSEE
- ♦ TEXAS
- ♦ UTAH
- ♦ VERMONT
- ♦ VIRGINIA
- ♦ WASHINGTON
- ♦ WEST VIRGINIA
- ♦ WISCONSIN
- ♦ WYOMING

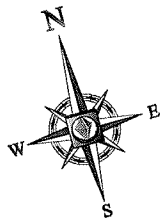
**LANDSCAPE ARCHITECTURE**

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- ♦ TEXAS
- ♦ UTAH
- ♦ VERMONT
- ♦ VIRGINIA
- ♦ WASHINGTON
- ♦ WEST VIRGINIA
- ♦ WISCONSIN
- ♦ WYOMING

REV 0 - 03/15/2016



WASHINGTON  
STREET  
(PUBLIC - 1915 LAYOUT #1640)

MAIN STREET  
(A.K.A. MASSACHUSETTS STATE HIGHWAY ROUTE 1B)  
(PUBLIC - 1903 LAYOUT, 1991 ALTERATION #505 - 60' WIDE)

"U.S. RENAL CARE"  
9,883 S.F.

"ROCKLAND  
TRUST" BANK  
1,748 S.F.

"VACANT"  
2,450 S.F.

"VACANT"  
9,000 S.F.

"LESLIES  
POOLS"  
5,117 S.F.

"ITZA PARTY"  
19,865 S.F.

"FIT WORK"  
3,963 S.F.

"DOLLAR TREE"  
10,886 S.F.

"NATIONAL WHOLESALE"  
89,396 S.F.

### RK CENTRE PARKING CALCULATIONS

| TENANT                   | GROSS SF | # SEATS | CLASSIFICATION             | # SPACES<br>REQUIRED |
|--------------------------|----------|---------|----------------------------|----------------------|
| NATIONAL WHOLESALE       | 89,396   | -       | RETAIL - 1 / 200 GSF       | 447                  |
| DOLLAR TREE              | 10,886   | -       | RETAIL - 1 / 200 GSF       | 54                   |
| FIT WORK                 | 3,963    | -       | RETAIL - 1 / 200 GSF       | 20                   |
| ITZA PARTY               | 19,865   | -       | RETAIL - 1 / 200 GSF       | 99                   |
| LESLIES POOLS            | 5,117    | -       | RETAIL - 1 / 200 GSF       | 26                   |
| VACANT                   | 9,000    | -       | RETAIL - 1 / 200 GSF       | 45                   |
| VACANT                   | 2,450    | -       | RETAIL - 1 / 200 GSF       | 13                   |
| ROCKLAND TRUST BANK      |          |         | EXCLUDED FROM CALCULATIONS |                      |
| U.S. RENAL CARE          |          |         | EXCLUDED FROM CALCULATIONS |                      |
| TOTAL PARKING REQUIRED = |          |         |                            | 704                  |
| TOTAL PARKING PROVIDED = |          |         |                            | 585                  |
| DEFICIT =                |          |         |                            | 119                  |

### REVISIONS

| REV | DATE | COMMENT | BY |
|-----|------|---------|----|
| 1   |      |         |    |
| 2   |      |         |    |
| 3   |      |         |    |
| 4   |      |         |    |
| 5   |      |         |    |
| 6   |      |         |    |
| 7   |      |         |    |
| 8   |      |         |    |
| 9   |      |         |    |
| 10  |      |         |    |
| 11  |      |         |    |
| 12  |      |         |    |
| 13  |      |         |    |
| 14  |      |         |    |
| 15  |      |         |    |

NOT APPROVED FOR  
CONSTRUCTION

PROJECT No.: W121016  
DRAWN BY: MNB  
CHECKED BY: JGS  
DATE: 03/15/16  
SCALE: AS SHOWN  
CAD ID: W151102851

PROJECT:

PARKING  
EXHIBIT

FOR

**RKCenters**

LOCATION OF SITE:  
110 - 140 MAIN STREET  
MAP# 29, BLOCK# 329, LOTS 10 & 21  
NORFOLK COUNTY  
WEYMOUTH, MA 02188

**BOHLER  
ENGINEERING**

352 TURNPIKE ROAD  
SOUTHBOROUGH, MA 01772  
Phone: (508) 480-9900  
Fax: (508) 480-9900  
www.BohlerEngineering.com

**W.D. GOEBEL**

PROFESSIONAL ENGINEER  
MASSACHUSETTS LICENSE No. 42644  
RHODE ISLAND LICENSE No. 7288  
CONNECTICUT LICENSE No. 21854  
NEW HAMPSHIRE LICENSE No. 10280  
MAINE LICENSE No. 8490  
NEW YORK LICENSE No. 019284-1  
FLORIDA LICENSE No. 86202

SHEET TITLE:

EXISTING  
PARKING  
EXHIBIT

SHEET NUMBER:

REV 0 - 03/15/2016

