

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

TO BE COMPLETED BY STAFF

Case Number: 3326

Town Clerk Stamp

Submittal Accepted: _____ Date _____
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: 981 & 995 Main Street & 10 Pond Street

Assessor's Map Sheet, Block, & Lot: Block 555, Lots 12, 13 & 29

Zoning District: B-1: Limited Business Overlay District: Watershed Protection

OWNER OF RECORD (S) (print & sign): See attached list.

(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: See attached list.

Norfolk County Registry of Deeds Book and Page No. See attached list.

Or registered in Land Registration Office under Certificate No. See above.

NAME OF APPLICANT (S) (print & sign): Petro Realty Corp. c/o Aaron Cutler

Applicant's Address: 4 North Street, Hingham, MA 02043

Contact Information: Email acutler@petrorealtycorp.com Phone 781.264.6152

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

NAME & AFFILIATION OF REPRESENTATIVE:

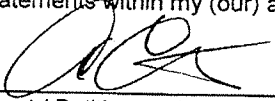
Address: 75 Federal Street, Suite 620, Boston, MA 02110

Contact Information: Email mwixted@bohlereng.com Phone 617.849.8040

NAME OF ENGINEER AND / OR ARCHITECT: Bohler Engineering c/o Mark Wixted, P.E.

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.

 Aaron Cutler 2/13/17
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):

See attached list.

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 existing site is currently comprised of 3 separate lots containing three buildings and a variety of uses including a travel agency, laundromat, gas station and a residential structure.

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

The applicant proposes to consolidate the existing three parcels into one parcel and develop the site with a 5,185 square foot (sf) ConvenientMD (urgent care medical facility) and an associated parking lot with approximately 30 spaces.

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: Business District B-1, Section 120-23.E.

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).

No.

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

No additional information as relevant to the Variance has been provided at this time.

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		Travel agency, laundromat, gas station, residential	office of a physician or similar profession
Lot Area / Size (Sq. Ft.)	10,000 sf	22,740 sf	22,740 sf
Dwelling Units	n/a	1	0
Frontage (ft.)	n/a	n/a	n/a
Lot Width (ft.)	100 ft	52 ft	150 ft
Front Yard Setback (ft.)	30 ft	1.5 ft	0.2 ft
Front Yard Setback (ft.) – corner lots	30 ft	1.5 ft	0.2 ft
Side Yard Setback (ft.)	10 ft	7.9 ft	52.2 ft
Side Yard Setback (ft.)	n/a	n/a	n/a
Rear Yard Setback (ft.)	10 ft	11.3 ft	n/a
Height (ft.) & # of Stories	6 stories (80 ft)	2 stories	1 story (< 80 ft)
Lot Coverage	50%	84% +/-	77% +/-
Off-Street Parking Spaces	51	11	30
Off-Street Loading Spaces	n/a	n/a	n/a
Parking Setback	15 ft	0 ft	2.8 ft
Accessory Structure Setback	n/a	n/a	n/a
Landscaping	n/a	n/a	n/a
Floor Area Ratio	n/a	n/a	n/a
Signage	75 sf	not calculated	see sign package
Other:	n/a	n/a	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.

See attached.

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.

See attached.

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.

See attached.

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.

See attached.

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.

AGENT AUTHORIZATION FORM

BLOCK AND LOT: BLOCK 555, LOT 12

STREET ADDRESS: 981 MAIN STREET

PROPERTY OWNER: DELUCA PROPERTIES LIMITED PARTNERSHIP

The undersigned, registered property owners of the above noted property, do hereby authorize Aaron Cutler of Petro Realty Corporation to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standard and special conditions attached.

PROPERTY OWNER'S ADDRESS (IF DIFFERENT FROM ABOVE):

OFFICE = 885 WASHINGTON ST Weymouth, MA 02189

TELEPHONE: 781-331-1100

EMAIL: R.DELUCA@DELUCAPROPERTIES.COM

AUTHORIZED SIGNATURE: 
RICHARD DELUCA, G.P.

DATE: 2/13/17

Town of Weymouth Board of Zoning Appeals Application:

Owner(s) of Record:

- Energy Retailers Inc.
4 North Street
Hingham, MA 02043
- Petro Realty Corp.
4 North Street
Hingham, MA 02043
- DeLuca Properties Limited Partnership
885 Washington Street
East Weymouth, MA 02189

Norfolk County Registry of Deeds Book and Page Number:

- Deed Book 10918, page 63;
- Deed Book 28146, page 194;
- Deed Book 31026, page 3.

Zoning relief is requested on the following items from the Town of Weymouth Zoning Ordinance:

Article XV - Dimensional Requirements:

- *Section 120-51 – Table 1 for minimum front yard depth.*
 - A maximum 30-foot front yard depth is required; 0.2-feet is proposed.
- *Section 120-51 – Table 1 for maximum lot coverage.*
 - A maximum 50% lot coverage is required; 77.4% is proposed.
- *Section 120-62.1. for front yard landscaping.*
 - A minimum 15-foot front yard landscape setback is required; 0.2-feet is proposed.

Article XVII – Off-Street Parking (Dimensional Requirements):

- *Section 120-70.C. for minimum parking setback.*
 - A minimum 15-foot off-street parking space setback of a street line is required; 2.8-feet is proposed.

Dimensional Variance Description and Justification

The variances listed above are requested to make this property suitable for the proposed use. The property in question would be very difficult to develop meeting the current zoning. The site abuts two streets, Main Street and Pond Street, which requires a deeper front yard setback along both sides of the lot. The site is an irregularly shaped lot that does not lend itself to a typical site layout.

The proponent has met informally with the Planning Department and Town Department Heads and has laid out the site to best benefit the town and enhance the immediate area around the site. The main request from the town was to locate the building and parking as shown on the attached plans and provide a green space and signage identifying Independence Square.

The proposed use will make the property more conforming in several aspects and will provide a great benefit to the town by adding a green space, significant planting and a sign identifying

It is also worth noting that it would appear that several surrounding properties would also be non-conforming with respect to current zoning. Therefore, the requested relief will not be out of character with the neighborhood.

Article XVI – Signs:

- *Section 120-64.3.A. for wall signs.*
 - Wall signs not to exceed one (1) square foot for each horizontal foot of building frontage of each said business with a maximum of 75 square feet; the proposed wall signs on the north, east and west building facades exceed 75 square feet.
 - Wall signs not to exceed one (1) square foot for each horizontal foot of building frontage of each said business with a maximum of 75 square feet; the proposed wall sign (53 square feet) on the south building façade (52 lineal feet) exceeds the horizontal to square foot requirement.

Signage Variance Description and Justification

The variances listed above are requested to make the facility recognizable from vehicles approaching from all directions. The use, an urgent care medical facility, will receive patients

that may be unfamiliar with the area and under some stress. The signage, including direction signs is intended to avoid confusion for drivers looking for the facility.

It is also worth noting that it would appear that several surrounding properties have similar signage that is requested in this filing.

Article XVII – Off-Street Parking (Number of Spaces):

- *Section 120-74.I. for parking ratio.*
 - A medical, dental or professional building requires one space for each 100 square feet of gross floor area, excluding basement storage area (or approximately 51 spaces for the proposed 5185 sf building); 30 spaces are proposed.

Off-Street Parking Number Variance Description and Justification

The variance listed above is requested to provide less parking than required under zoning, while still providing adequate parking.

ConvenientMD operated several facilities and have provided parking data indicating that the number of requested spaces, 30, is adequate. This has been review by the building inspector and an opinion from his office is included.

This request for reduced parking compared to zoning also allows for less impervious area and more areas for landscaping.