

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

TO BE COMPLETED BY STAFF

Case Number: 3334

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: Allerton House at Central Park / 43 School House Rd.

Assessor's Map Sheet, Block, & Lot: Block 220 Lot 2

- Map 21

Zoning District: Public, Semi-Public, & Open Space

Overlay District: N/A

OWNER OF RECORD (S) (print&sign): SHI III 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: 52 Accord Park Drive Norwell, MA 02061

Norfolk County Registry of Deeds Book and Page No. Book 34490, Page 155

Or registered in Land Registration Office under Certificate No. Cert. No. 194165

NAME OF APPLICANT (S) (print&sign): Paul T. Casale on behalf of SHI III Weymouth, LLC

Applicant's Address: 52 Accord Park Drive Norwell, MA 02061

Contact Information: Email ptcasale@welchhrg.com

Phone 781-878-6700

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

NAME & AFFILIATION OF REPRESENTATIVE: John E. Twohig and Kevin F. Gaughan- Goulston & Storrs

Address: 400 Atlantic Avenue Boston, MA 02110

JTwohig@goulstonstorr.com

John Twohig: 617-574-6403

Contact Information: Email KGaughan@goulstonstorr.com

Phone Kevin Gaughan: 617-574-3821

NAME OF ENGINEER AND / OR ARCHITECT: Kelly Engineering Group, Inc.

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.

Applicant / Petitioner - Date (sign & print)

Paul T. Casale 5/1/17

Paul T. Casale

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

TO BE COMPLETED BY STAFF

Case Number: 3334

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: Allerton House at Central Park / 43 School House Rd.

Assessor's Map Sheet, Block, & Lot: Block 220 Lot 2

Zoning District: Public, Semi-Public, & Open Space Overlay District: N/A

OWNER OF RECORD (S) (print&sign): SHI III 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: 52 Accord Park Drive Norwell, MA 02061

Norfolk County Registry of Deeds Book and Page No. Book 34490, Page 155

Or registered in Land Registration Office under Certificate No. Cert. No. 194165

NAME OF APPLICANT (S) (print&sign): Paul T. Casale on behalf of SHI III Weymouth, LLC

Applicant's Address: 52 Accord Park Drive Norwell, MA 02061

Contact Information: Email ptcasale@welchhrg.com Phone 781-878-6700

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

NAME & AFFILIATION OF REPRESENTATIVE: John E. Twohig and Kevin F. Gaughan- Goulston & Storrs

Address: 400 Atlantic Avenue Boston, MA 02110

JTwohig@goulstonstorrs.com

John Twohig: 617-574-6403

Contact Information: Email KGaughan@goulstonstorrs.com

Phone Kevin Gaughan: 617-574-3821

NAME OF ENGINEER AND / OR ARCHITECT: Kelly Engineering Group, Inc.

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.

Paul T. Casale 5/1/17
Applicant / Petitioner - Date (sign & print)

Paul T. Casale

NATURE OF REQUEST

Application is for: _____ Special Permit _____ Variance X Amendment Other: _____

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

The application is for an amendment to the existing special permit granted by the Planning Board on November 24, 1997,

Case # 97-9-/17 (the "Special Permit"). The applicant seeks an amendment to the Special Permit to allow for the addition of twenty six (26) additional units consisting of ten (10) assisted living units and sixteen (16) memory care units and a reduction in the number of parking spaces from eighty six (86) to eighty two (82) pursuant to Section 120-119(A)(2).

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 located at 43 School House Road, known as Allerton House at Central Park, and shown on the Assessor's Map as Block 220 and Lot 2 in the Public, Semi-Public, & Open Space District. The existing structure on the site is located on a parcel containing approximately 181,645 square feet. Pursuant to the special permit granted by the Planning Board on November 24, 1997 (the "Special Permit"), the building contains 70 assisted living units with associated facilities for assisted living. The existing structure is two stories tall and complies with applicable dimensional requirements. The property is permitted to maintain 86 parking spaces on site pursuant to the Special Permit.

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

The applicants proposes to expand the existing facility by constructing an addition containing twenty-six (26) additional dwelling units consisting of ten (10) assisted living units and sixteen (16) memory care units. The proposed expansion is designed to be a 10,243 square foot structure, approximately 2 stories tall, containing 13,035 square feet units and 7,451 square feet of associated office and amenities. On site parking and sidewalks will be designed to promote pedestrian safety and traffic flow.

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 use of the property for a seventy (70) unit assisted living facility is authorized pursuant to the Special Permit granted by the Weymouth Planning Board on November 24, 1997, Case # 97-9-/17.

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, Special Permit granted by the Planning Board on November 24, 1997, Case # 97-9-/17 (the "Special Permit"), a copy of which is attached hereto.

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

On Thursday, April 27, 2017, David Kelly of Kelly Engineering Group, Inc. and Kevin Gaughan of Goulston & Storrs met with the Director of Planning and Community Development, the Principal Planner, and Director of the Department of Municipal Licenses and Inspections to discuss the appropriate procedure for obtaining an amendment to the Special Permit. As noted, the Special Permit was granted by the Planning Board prior to Weymouth adopting a city form of government. The Director of the Department of Municipal Licenses and Inspections concluded that the appropriate procedure for amending the Special Permit is to seek an amendment from the Zoning Board of Appeals.

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		Assisted Living Facility*	Assisted Living Facility/ Memory Care
Lot Area / Size (Sq. Ft.)	n/a	181,645 s.f. +/-	181,645 s.f. +/-
Dwelling Units	n/a	n/a	n/a
Frontage (ft.)	40'	95.3' +/-	95.3' +/-
Lot Width (ft.)	40'	>40'	>40'
Front Yard Setback (ft.)	20'	170.8' +/-	170.8' +/-
Front Yard Setback (ft.) – corner lots	n/a	n/a	n/a
Side Yard Setback (ft.)	25'	33.0' +/-	25.0' +/-
Side Yard Setback (ft.)	25'	see above	see above
Rear Yard Setback (ft.)	25'	28.0' +/-	28.0' +/-
Height (ft.) & # of Stories	35' 3 stories	<35' 2 stories	<35' 2 stories
Lot Coverage	75%	44.1% +/-	48.5% +/-
Off-Street Parking Spaces	1 space / 2 beds	86*	82
Off-Street Loading Spaces	n/a	1	1
Parking Setback	5'	5.0' +/-	6.3' +/-
Accessory Structure Setback	5'	65.0' +/-	14.1' +/-
Landscaping	5'	>5'	>5'
Floor Area Ratio	n/a	n/a	n/a
Signage	see signage package	see signage package	see signage package
Other:			

*The current use is allowed pursuant to a special permit granted by the Weymouth Planning Board on November 24, 1997 (Case # 97-9-/17). This special permit authorizes seventy (70) dwelling units with associated facilities for assisted living. The special permit also allows for eighty six (86) off street parking spaces on site.

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 an appropriate location for an assisted living facility. The site was approved for use as an assisted living facility pursuant to the special permit granted by the Weymouth Planning Board, case number 97-9-/17, dated November 24, 1997. Since that time the site has been consistently operated as an assisted living facility under the management of Welch Healthcare and Retirement Group. The proposed expansion will provide memory care services designed to improve the lives of residents and address a growing need in the community.

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

The proposed use/structure is designed to enhance the character of the neighborhood and the town. Allerton House has been an asset to the community since 1997. By expanding Allerton House to include memory care units, Allerton House will provide needed services to its current residents and address a need within the community.

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

There is no material potential for nuisance or serious hazard to vehicles or pedestrians. A small portion of the site currently used for employee parking and deliveries will be altered, however, the current parking and delivery operations will remain largely unchanged. The site will continue to provide for safe and efficient vehicle and pedestrian use.

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

Adequate and appropriate facilities exist on the site today. The facilities are sized to accommodate the small increase in use resulting from the proposed project. The small increase of the site use will not affect these facilities.

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

The proposal will enhance the public convenience and welfare by offering additional local assisted living facilities and memory care to senior members of the community. The proposal will address a need within the community for additional local assisted living facilities and memory care services.

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 Applicant is not applying for a Special Permit under Section 120-40.

2. Indicate how long the nonconforming aspects of the structure have been in existence:
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.
4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:
5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:
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:

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 not seeking a variance.

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.
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.
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.

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.

TOWN OF WEYMOUTH, MASSACHUSETTS

PLANNING BOARD

NOTICE OF DECISION ON SPECIAL PERMIT - SP-6

BROAD STREET/SCHOOL HOUSE ROAD

(To be mailed forthwith to the owner and applicant, if not the owner.)

Owner: Town of Weymouth
Address: 75 Middle Street
Weymouth, MA 02189

Date: November 24, 1997
Case #: 97-9-17

Applicant: Welch Healthcare and Retirement Group
Address: and NDNE Assisted Living, Inc.
2310 Washington Street
Newton Lower Falls, MA 02162

Site Address: off 298 Broad Street
Sheet: 17 and 21
Block: 220
Lot: 2

Special permit application filed on September 17, 1997.

Referring to the above application so as to permit a seventy (70) unit assisted living facility.

After a public hearing on October 6, 1997, continued to November 3, 1997, the Planning Board at its meeting on November 13, 1997:

Upon motion made by Mr. Dillon and seconded by Mrs. McElroy, it was:

VOTED TO GRANT: 5-0-2 (Mrs. Abbott and Mr. Leary abstained) a special permit for property off 298 Broad Street, also shown on the Weymouth Town Atlas Sheets 17 and 21, Block 220, Lot 2, for seventy (70) dwelling units with associated facilities for assisted living as required by Section 125-37.1.B.1 of the Zoning Bylaws with the following conditions:

1. An emergency access, roadway maintenance easement shall be provided at the easterly property line by property owned by the Weymouth Housing Authority.
2. An emergency gate, with sliding movement, shall be provided at the easterly property line by property owned by the Weymouth Housing Authority.
3. A water flow test will be made to determine the water capacity. Depending on the test results, the water line may be looped or easements provided for future looping. All water system requirements shall be made as per requirements of DPW, Water and Sewer Division and shown on the definitive plan before the Planning Board endorses their approval on the definitive plan.

4. Sewer and water easements requested by DPW, Water and Sewer Division for service to 304R Broad St. shall be shown on the definitive plan before the Planning Board endorses their approval on the definitive plan.
5. A street light shall be installed on the Town of Weymouth parcel where the drives intersect to enter the baseball fields, the tennis courts and to the shared parking. The light shall be wired to the lighting proposed in the shared parking lot.
6. An emergency, maintenance easement shall be provided between the shared parking lot and the abutting athletic fields.
7. Eighty six (86) off street parking spaces provided on site is determined to adequately meet the functional needs of a residential use dedicated to senior assisted living in accordance with Section 120-37.1.E.(5) of the Zoning Bylaws.
8. Weymouth DPW requirements for "no net gain" on water and inflow/ infiltration (2:1) abatement for sewer are the responsibility of the applicant.

The decision of the Board, together with detailed record of its proceedings stating the reasons for the decision, shall be filed in the office of the Town Clerk. Decision filed with the Town Clerk on November 26, 1997.

IMPORTANT: Any appeal from the decision of the Planning Board can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (GL) as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

THE WEYMOUTH PLANNING BOARD



Paul F. Lynch, Sr., Chairman

RECEIVED
NOV 26 11 39 AM '97
OFFICE OF TOWN CLERK
WEYMOUTH, MASS.