

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT
1072 WASHINGTON STREET**

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

Owner: On Course Development LLC
Address: 811 Middle Street
Weymouth, MA 02188

Date: August 23, 2016

Applicant: Ed Kelcourse
Address: 811 Middle Street
Weymouth, MA 02188

Case #: 3293

Representative: N/A

Site Address: 1072 Washington St
Sheet: 30
Block: 399
Lot: 3

Zoning District: HT (Highway Transition)

Board of Zoning Appeals application filed on June 15, 2016

After a public hearing on July 27, 2016, advertised in the Weymouth News on July 13, and July 20, 2016, the Board of Zoning Appeals at its meeting of July 27, 2016

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance 120-22.7 (B) Conversion of an existing dwelling for up to four dwelling units; to allow the petitioner to convert ~1200 SF of commercial space on the first floor, rear, of an existing building, to two (2) one-bedroom residential units, per plan by Walter A. McKinnon Associates, sheets 1 and 3, dated 1/31/2013

SPECIAL PERMIT FINDINGS:

The Board found that:

1. **The specific site is an appropriate location for such a use:**
As currently configured this is a mixed use development. This proposal preserves the intent of the Highway Transition District (HT) by maintaining the commercial businesses fronting on Washington Street.
2. **The use involved will not be detrimental to the established or future character of the neighborhood or town:**
No change to the existing building footprint is being proposed and the street-facing façade will be unchanged.

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3. **There will be no nuisance or serious hazard to vehicles or pedestrians:**
Plenty of on-site parking is available. The conversion to residential will likely reduce both traffic and parking demand.
4. **Adequate and appropriate facilities will be provided for the proper operation of the proposed use:**
All construction will be monitored by the Inspector of Buildings and comply with the Massachusetts Building Code and Board of Health Regulations.
5. **The public convenience and welfare will be substantially served:**
The goal of the Highway Transition District is to "provide for a mixed residential, business and commercial development along major arterials". This proposal adheres to that goal.

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. (3) 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 August 23, 2016

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.



Robert J. Luongo, Planning Director

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, July 27, 2016

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

Also Present: Bob Luongo, Planning Director
Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:06 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Case #3293 – The petitioner, Ed Kelcourse, for property located at **1072 Washington Street**, also shown on the Weymouth Town Atlas sheet 30, block 399, lot 3, located in an HT zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-22.7 (B) Conversion of an existing dwelling for up to four dwelling units.

Presently located on the ~24,837 SF lot is an existing two-story building consisting of 3-first floor commercial spaces and 2-one-bedroom residential units on the second floor. The petitioner is proposing to convert ~1200 SF of commercial space on the first floor, rear of the building to 2 one-bedroom residential units.

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

Chuck Golden made a motion to open the public hearing on Case # 3293 and was seconded by Kemal Denizkurt. VOTED 5-0

Chuck Golden made a motion to waive the reading of the publication on Case # 3293 and was seconded by Kemal Denizkurt. VOTED 5-0

Appearing before the board was the applicant Ed Kelcourse and he stated he can't rent out the commercial space and has decided to convert them to two (1) bedroom units.

The property is an L-shaped building fronting on Washington Street. The portion of the building facing Washington Street contains two ground-floor businesses with 2 one bedroom apartments on the second floor. The portion of the building extending back perpendicular to Washington Street currently contains one commercial business. The applicant is requesting a Special Permit to convert the commercial business in the rear

into two additional one bedroom apartments. The only exterior changes to the building will be to the rear façade. Plenty of off-street parking is currently available and the parking demand will likely decrease with the shift to residential.

Eric Schneider said the fire department had a comment that it would need to be sprinklered. He said that the entire building is currently sprinklered.

Bob Luongo said Mr. Kelcourse came in 2011 to construct this commercial space. The project came out as per the plan. Due to the economy he now would like residential units. The building looks great. Mr. Luongo would like to see landscape in front of the converted space. He will submit a landscape plan to the Planning Department prior to permits being issued.

Public comment:

Neighbor who had the original concerns and said she was very pleased with what he did and wanted to say thank you.

Councilor Arthur Matthews said the building is always kept up and well maintained. It is unfortunate he can't get another commercial tenant but he supports this change.

Chuck Golden made a motion to close the public hearing on Case# 3293 and was seconded by Jonathan Moriarty. VOTED 5-0

Chuck Golden made a motion to approve the application for a Special Permit for Case #3292 and was seconded by Jonathan Moriarty. VOTED 5-0

Special Permit Criteria for Approval. The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

1. **The specific site is an appropriate location for such a use.**
As currently configured this is a mixed use development. This proposal preserves the intent of the Highway Transition District (HT) by maintaining the commercial businesses fronting on Washington Street.
2. **The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.**
No Change to the existing building footprint is being proposed and the street-facing façade will be unchanged.
3. **There is not a potential for nuisance or serious hazard to vehicles or pedestrians.**
Plenty of on-site parking is available. The conversion to residential will likely reduce both traffic and parking demand.
4. **There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.**
All construction will be monitored by the Inspector of Buildings and comply with the Massachusetts Building Code and Board of Health Regulations.

5. **That the public convenience and welfare will be substantially served with the proposal.**

*The goal of the Highway Transition District is to "provide for a mixed residential, business and commercial development along major arterials".
This proposal adheres to that goal.*

Condition:

1. Landscaping plan be submitted and approved to the Planning Department prior to issuing a building permit.
2. Proof of sprinklers to be submitted to Planning Department

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

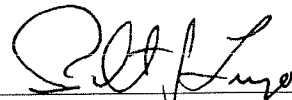
BOARD OF APPEALS

August 23, 2016

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 Ed Kelcourse, 811 Middle Street, Weymouth, MA 02188, affecting the rights of the owner with respect to land or buildings at 1072 Washington Street, also shown on the Weymouth Town Atlas Sheet 30, Block 399, Lot 3, 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.



Robert J. Luongo, Planning Director

Kathleen Deree, Town Clerk

Case # 3293

Date of Hearing: 7/27/2016