

DEC 26 2014

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

TO BE COMPLETED BY STAFF

Case Number: 3248

Town Clerk Stamp

Submittal Accepted: [Signature] Date 12/26/14
Signature of Planning Dept. Staff for minimal requirements

Determined to be complete and may now be filed with Town Clerk: [Signature]
Signature of Principal Planner or Director

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 75 Finnell Drive

Assessor's Map Sheet, Block, & Lot: Map 36, Block 452, Lots 5 & 12

Zoning District: Industrial -1 (I-1) Overlay District: _____

OWNER OF RECORD (S) (print & sign): Finnell Drive Realty, 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: 75 Finnell Drive, Weymouth, MA

Norfolk County Registry of Deeds Book and Page No. _____

Or registered in Land Registration Office under Certificate No. 160364

NAME OF APPLICANT (S) (print & sign): Stephen E. Goldman

Applicant's Address: 75 Finnell Drive, Weymouth, MA

Contact Information: Email _____ Phone 781-337-4600

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

NAME & AFFILIATION OF REPRESENTATIVE: _____

Address: _____

Contact Information: Email _____ Phone _____

NAME OF ENGINEER AND / OR ARCHITECT: Sean Guinan, S3 Design, 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.

Gregory F. Galvin, Esq., Dec 24 2014
Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: ☒ Special Permit ☒ Variance ☐ Amendment Other: _____

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

Article IX, S. 120-29 E Special Permit Uses-Place of recreation or assembly; Article XIII, S. 120-39 Continuation; S. 120-40 Extension or change by Special Permit;

Article XV, S. 120-51 Table 1 Schedule, of District Regulations; Article XVII S. 120-74Q Minimum required spaces, Unlisted requirements

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 the location of a multi-use health, fitness and recreational facility, with tennis courts, swimming pools, fitness, therapy, mind and body spa, conference rooms and restaurant.

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

In 2012, ZBA Case # 3164 obtained permission to eliminate tennis activity on one court and utilize the area for floor exercise and spa, and to add a second level deck for activities to be determined. The applicant now seeks to use that area for multi-use open space (3200s.f.), function area (1350s.f.) and storage, mechanical and office room. Further to add a child splash pad outside next to the existing children splash pool.

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 IX S. 120-29E Place of recreation or assembly.

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, 8/24/95 # 2307; 12/17/99 # 2457; 6/13/01 # 2536; 1/20/03 # 2684; 2/22/07 # 2933; 6/20/12 # 3164; 2/20/13 # 3186

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

The applicant will not modify or change the landscaping or parking area nor will they expand the current impervious area.

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			
Lot Area / Size (Sq. Ft.)	20,000	450,411	450,411
Dwelling Units	None	None	None
Frontage (ft.)	40	1385	1385
Lot Width (ft.)	100	1385	1385
Front Yard Setback (ft.)	40	40	40
Front Yard Setback (ft.) – corner lots	-	-	-
Side Yard Setback (ft.)	25	>25	>25
Side Yard Setback (ft.)	-	-	-
Rear Yard Setback (ft.)	50'	50'	50'
Height (ft.) & # of Stories	<80' & 6	2	2
Lot Coverage	80%	80%+	Same
Off-Street Parking Spaces	297	281	281
Off-Street Loading Spaces		2	2
Parking Setback			
Accessory Structure Setback	-	-	-
Landscaping	20%	<20%	<20%
Floor Area Ratio	-	-	
Signage	-	-	-
Other:	-	-	-

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 presently used as a multi-use health and recreational facility and the owner is seeking to keep up with the changes in the industry and provide the amenities that are sought by their membership base.

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

This is a continuation of an ongoing use with the offering of additional open exercise space and converting open seating area to a child water park area.

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

The applicant has adequate existing parking for the added uses and the changes are internal and or conversion of an existing area.

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

The changes will be properly incorporated in the owners existing facility.

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

The changes/additions are designed to provide the opportunity to enjoy all of the new innovations in the health, fitness and recreational industry.

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 current lot coverage including parking and outdoor activities exceed the maximum lot coverage of 80% however the applicant is not seeking to increase the lot coverage but to alter existing uses by adding a children's water pad.

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

The current use began in the late 1970's and has been modified internally and externally on numerous occasions. The current external uses have been in existence since approximately January 2003.

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.

The use was allowed by Special Permit and relief has been granted on the lot coverage, landscaping and front yard set back from the beginning.

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

The applicant will not extend any existing non-conformity however intends to modify the activity within the existing impervious area, and his investigations suggest that there is adequate parking within his property.

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

The applicant has 282 identified parking spaces and space for an additional 25 in a graded and gravel area at the far end of the property that is used by employees.

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:

The applicant in 2012 obtained Zoning Board approval for a modification of an existing indoor tennis court adding a mind and body center with exercise and meditation rooms on the main level and open second floor area. Finishing the second floor area for open exercise and meeting space and the using existing finish area around the outdoor swimming area for a children water pad, will not provide any noticeable change.

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 constantly experiencing additional competition in a business that is evolving on a perennial basis. The proposed changes merely keeps pace with the evolution of the business.

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.

The applicant's lot and building uses have existed for over 45 years and the changes are primarily altering the existing uses.

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.

The applicant has demonstrated that he has adequate parking for the changes in the current use.

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.

The addition of the children's splash pad is merely adding an additional use of play area next to a children's splash pool, and the second floor use is to add play space for children with the ability to have an open meeting area.

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.

**S3 Design Inc**

1459 Hancock Street Suite 2r Quincy MA 02169 617.472.8804

Existing Parking Calculations

Area Description	Parking Rate Factor	Area/ Item	Spaces Required
Tennis Courts	Two Parking Spaces per Court	15	30
Day Care Center	One Space per Employee	3	3
Gymnasium	10 Spaces per ½ Court	1	20
Employees	One Space per Non-Office Employee	13	13
Office Area	One Space per 200 s.f.	1200	6
Center for Wellness	One Space per 100 s.f.	2100	21
Physical Therapy	One Space per 200 s.f.	2800	14
Common Areas	One Space per 200 s.f.	1340	7
Aerobics Area	One Space per 150 s.f.	3900	26
Exercise Area	One Space per 200 s.f.	10500	53
Pool Common Area	One Space per 200 s.f. of Common Area	4800	24
Restaurant	One Space per 1.5 Seats	45	30
Locker Rooms/ Bathrooms/ Sauna	Add 20% of Spaces Required for Tennis Courts, Exercise, and Pool		26
Total Parking Spaces Required for Existing Space			273

Proposed Parking Calculations

Area Description	Parking Rate Factor	Area/ Item	Spaces Required
Storage	Non-Factor (No added Occupants)	1500	0
Office	Relocated from Existing Space (Now Storage)	0	0
Restrooms	Non-Factor (No added Occupants)	120	0
Exercise/ Multipurpose Area	One Space per 150 s.f.	3550	24
Total Additional Parking Spaces Required for New Space			24
Total Parking Spaces Required			297

Method of Calculation of Parking Spaces:

Our method of calculating the required number of parking spaces has been changed from the original calculation as follows:

1. The new office is a relocation of space. The original offices are being turned into storage and restrooms.
2. The restrooms provided should not affect the parking count because this does not add occupancy.
3. The Aerobics/ Multipurpose area is calculated as one parking space for every 150 s.f.
4. The storage provided should not affect the parking count because this does not add occupancy.

In our calculation we assumed that the newly proposed exercise area will require the same amount of space as the Aerobics classes previously calculated. The additional area calculated should add an additional 24 spaces to the previously calculated 273, leaving the total to be 297. We feel that adding an additional 20 parking spots to the existing 280 should sufficiently fulfill the requirements needed for the Weymouth Tennis and Athletic Club, totaling 300 spots.

BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
February 20, 2013

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, February 20, 2013 at 7:15 pm at McCulloch Building, Mary McElroy Meeting Room, 182 Green Street, Weymouth, MA for the purpose of passing on the application of certain persons whose petitions were properly before the Board. Notice of public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

BZA CASE #3186-75 Finnell Drive, Public Hearing.

Application of Weymouth Club, Inc. for property located at 75 Finnell Dr., also shown on the Weymouth Town Atlas as Sheet 36, Block 452, Lot 5, located in an I-1 zoning district, seeking to add approximately 650 sq. ft. of office and conference space in an alcove at the south side of the building above the entrance to the mechanical room.

Members sitting: Edward Foley, Vice Chairman
 Jonathan Moriarty
 Brandon Diem
 Robin Moroz

Staff: Bob Luongo, Principal Planner

Recording Secretary: Mary Barker

Attorney Gregory Galvin, with offices at 775 Pleasant Street, Weymouth, appeared with owner Steve Goldman. The plan is to construct office space for the two owners who are currently working out of a closet, and running meetings in the cafeteria. The office space will be in the area above the mechanical room and Atty. Galvin outlined it on the drawings. The proposed space will include two small offices with conference space between them. It is not designed to increase membership, nor adding space for the members. Since it will not affect the membership, no additional parking is required. Vice Chairman Foley asked if there is any intent to lease the space. Mr. Goldman responded no. There are other offices about the conference space and these are used by their Marketing department. Vice Chairman Foley asked if the proposed plan will stay within the current footprint. Atty. Galvin responded that it will come out, but it will be above the parking grade and there is room to drive under it. It will not be above parking spaces, nor take any parking away from members. Brandon Diem asked if the cladding for the new construction will be the same as the rest of the building. Atty. Galvin responded that it will blend with the rest of the building.

Abutter Kenneth Bechis, 46 Waterford Drive addressed the application for himself and other residents of Waterford Drive and asked if the applicant could consider reducing the amount of illumination spilling into their yards from the parking lot. The lights on poles in the lot are not shielded and he provided photographs taken of his property. Bob Luongo and Vice Chairman Foley responded that the staff could address this concern. Mr. Goldman responded that he will

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WEYMOUTH, MASS.

contact his electrician to make the necessary changes to the lighting to alleviate the spillage. He has no problem having new lights installed with shields.

Bob Luongo reported that the application was routed to the various departments and reviewed the comments.

A motion was made by Jonathan Moriarty to close the public hearing, seconded by Robin Moroz and unanimously voted.

To vote on the of BZA Case No. 3186 to approve a Special Permit to add approximately 650 sq. ft. of office and conference space in an alcove at the south side of the building above the entrance to the mechanical room.

A motion was made by Vice Chairman Foley to approve the application for a special permit and was seconded by Jonathan Moriarty.

FINDINGS

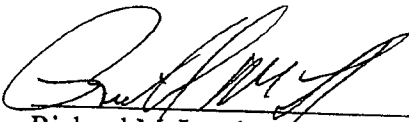
Further, the board finds that:

1. The specific site is an appropriate location for such a use.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town. The use will not increase membership.
3. There will be no nuisance or serious hazard to vehicles or pedestrians. There will be no need to add additional parking.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The public convenience and welfare will be substantially served.

DECISION OF THE BOARD

Due to the above findings, it was unanimously voted to approve a Special Permit to add approximately 650 sq. ft. of office and conference space in an alcove at the south side of the building above the entrance to the mechanical room and it was noted that the applicant has agreed to satisfy the abutter's request to shield lighting in the parking lot. Exterior lighting shall be shielded or reflected so that the light source is not visible from any residential dwelling.

Approved:


Richard McLeod, Chairman

3-6-13

Date

TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT
75 FINNELL DRIVE

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

Owner:	Finnell Drive Realty LLC	Date:	July 19, 2012
Address:	75 Finnell Drive Weymouth, MA 02188		
Applicant:	Weymouth Club, Inc.	Case #:	3164
Address:	75 Finnell Drive Weymouth, MA 02188		
Representative:	Gregory F. Galvin, Esq.	Site Address:	75 Finnell Drive
Address:	775 Pleasant Street, Unit 16 Weymouth, MA 02189	Sheet:	36
		Block:	452
		Lots:	5, 9, & 12

Special permit application filed on 5/14/2012.

After a public hearing 6/20/2012, the Board of Zoning Appeals at its meeting on 6/20/2012:

VOTED TO GRANT THE SPECIAL PERMIT to modify the existing inside tennis court area and to cantilever above, all for office, lounge, studio, exercise and conference space, and to construct a small addition at the rear to extend a corridor and to provide additional parking area and playing fields, with the following conditions:

1. Field will be used only by the club's camp and will be grassed play area.
2. Lights will be on timers. They will shut off at 10:30 P.M. Monday through Friday, 8:30 P.M. Saturday, and 7:30 P.M. Sunday and on no earlier than 6 AM.
3. Signage will be to code.
4. The extension of the canopy will be no greater than the granite curbing.
5. Applicant will submit a plan for snow removal.
6. Plantings in area adjacent to play field will be in accord with Conservation Commission.
7. Playing field will not be used before sunrise.
8. No semi-permanent or permanent structures or unnatural walkways will be erected on grass field area.
9. There will be no sub-lease of the grass field.
10. No organized team activities unrelated to summer camp.
11. Camp will not have organized activities.

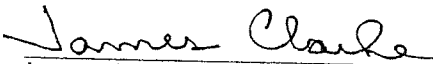
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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 7-19-12

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

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BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
 February 7, 2007

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, February 7, 2007, at 7:00pm at McCulloch Building, Whipple Center Conference Room, Weymouth, MA for the purpose of passing on the applications of certain persons whose petitions were properly before the Board. Notice of the public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

Present: Richard McLeod, Chairman
 Edward Foley, Vice-Chair
 Mary McElroy, Clerk
 Donald Holzworth
 Francis Kenneally
 Staff: Rod Fuqua, Principal Planner
 James Clarke, Planning Director
 Recording Secretary: Janet Murray

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The Chairman called the hearing to order and explained the procedures that would be followed to the people present. A MOTION was made to open the public hearing and waive the reading of the legal advertisement, and was seconded and UNANIMOUSLY VOTED.

BZA CASE #2933 75 Finnell Drive

Application of Stephen and Sally Goldman for property at 75 Finnell Drive, also shown on the Weymouth Town Atlas Sheet 36, Block 452, Lot 5, located in an I-1 zoning district seeking a special permit and/or variance under Chapter 120-29E and 120-40 for an extension or change by special permit to add a new entrance area for families with children and a young person activity area plus a modification on the parking scheme.

Attorney Gregory Galvin appeared before the Board with Mr. and Mrs. Goldman. Mr. Galvin noted that their architect, Mr. Trikowsky of the STA Associates, was also present.

Mr. Galvin stated that this is a further application by Mr. and Mrs. Goldman to again perform some modifications to the existing health club at Finnell Drive. The application is to create a new entrance to a family area within the health club.

On the map, the yellow area already exists and will be renovated into a children and young person activity area. The basketball court is currently located in this area. The pink area represents the proposed entranceway.

The reasons for these changes are for safety. This entrance is located in the first parking lot of the facility. The child care area is currently located on the second floor towards the back of the facility. He noted that this change would move the child care to the first floor and expand the children's area.

Mr. Trikowsky stated that this entrance will link into the renovated basketball court and the pool area. There will be dedicated drop off parking spaces. There will be a net gain of three parking spaces which maintains the requirement under the town's zoning regulations.

BZA CASE #2933 75 Finnell Drive

February 7, 2007

Mr. Trikowsky stated that the landscaping will be upgraded as noted on the plan.

Mr. Goldman stated that the health club industry is very competitive. He noted that his main competition is from the YMCA in Hanover. He commented that the YMCA has an up to date children/youth area. He also commented that his club has seen a decrease in the number of family memberships.

Rod Fuqua stated the application was routed to various Town Departments and received the following comments:

1. Conservation Commission noted that a filing was not required.
2. Health Department had no objections.
3. Police Department made a note of handicap parking spaces. It was noted that the zoning requirements are met.
4. Fire Department had no issues.
5. DPW (Water, Sewer, Engineering, Highway) had no comments.
6. School Department had no special concerns.
7. Tax Department noted that taxes are up to date.

The Chairman asked if the public had any comments, to which there was no reply.

Mr. Clarke noted that landscaping was mentioned this evening. He recommended that a condition be that landscaping be maintained along the front where the new parking is and also enhancements to the landscaping as testified earlier this evening.

Mr. Foley questioned how many handicap parking spaces there are. Mr. Galvin noted that there are a total of 18 handicap parking spaces. Mr. Galvin pointed out that no handicap parking is being eliminating. Two more are being added.

Mr. Fuqua stated that the plan does not show all of the handicap parking spaces for the facility. He noted that there are quite a few handicap spaces by the main entryway. There is no change to the footprint of the building. It already conforms to the handicap requirement. By law, there is no need to put in any additional handicap spaces.

Mr. Trikowsky asked if there was a need to make any changes to the plan in regards to parking. It was noted that this was not necessary.

A MOTION to close the public hearing was made and seconded, and was UNANIMOUSLY VOTED.

A MOTION was made by Mr. Foley to APPROVE the request for a SPECIAL PERMIT to add a new entrance area for families with children and a young person activity area plus a modification on the parking scheme with the condition that that the a landscape plan is submitted showing the upgrades to be made. The Board finds that, in its judgment; all of the following conditions are met:

BZA CASE #2933 75 Finnell Drive

February 7, 2007

- (1) The specific site is an appropriate location for such a use.
- (2) The use involved will not be detrimental to the established or future character of the neighborhood or town.
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians.
- (4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (5) The public convenience and welfare will be substantially served.

The MOTION was seconded by Mr. McElroy and was UNANIMOUSLY VOTED.

FINDINGS:

The Board found that the SPECIAL PERMIT would not derogate from the intent and purpose of the Zoning Ordinance, and the requested relief could be granted without substantial detriment to the public good nullifying or substantially derogating from the intent and purpose of the Ordinance.

- (1) The specific site is an appropriate location for such a use.
- (2) The use involved will not be detrimental to the established or future character of the neighborhood or town.
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians.
- (4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (5) The public convenience and welfare will be substantially served.

DECISION OF THE BOARD:

The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings, it was UNANIMOUSLY VOTED to APPROVE the request for a SPECIAL PERMIT to add a new entrance area for families with children and a young person activity area plus a modification on the parking scheme. The Board finds that, in its judgment; all of the following conditions are met:

- (1) The specific site is an appropriate location for such a use.
- (2) The use involved will not be detrimental to the established or future character of the neighborhood or town.
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians.
- (4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (5) The public convenience and welfare will be substantially served.


Mary McElroy, Clerk

2-21-07
Date

OFFICE OF THE TOWN CLERK
WYOMING, MASS.

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BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
JANUARY 15, 2003

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on January 15, 2003, at 7 pm at Town Hall Council Chambers, 75 Middle Street, Weymouth, MA for the purpose of passing on the applications of certain persons whose petitions were properly before the Board. Notice of the public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

Present: Richard McLeod, Chairman
Mary McElroy, Secretary
Stanley Elkerton
Kemal Denizkurt
Donald Holzworth
Staff: Paul Halkiotis
Recording Secretary: Janet Murray

The Chairman called the hearing to order and explained the procedures that would be followed to the people present. A MOTION was made by Mary McElroy to open the public hearing and waive the reading of the legal advertisement, and was seconded by Kemal Denizkurt and UNANIMOUSLY VOTED.

BZA CASE # 2684 75 Finnell Drive

Application of Weymouth Club, Inc. of 75 Finnell Drive, also shown on the Weymouth Town Atlas as Sheet 36, Block 452, Lots 5 & 12 in an I-1 Zoning District, seeking a special permit and/or variance under Chapter 120-40 to add a 3-lane lap pool and accessory structures adjacent to existing pool.

Mr. Gregory Galvin, attorney with offices at 775 Pleasant Street, represented Mr. Steven Goldman, owner of Weymouth Club, Inc. A special permit allows the current use of the property. Mr. Goldman would like to add a 3-lane lap pool. This is a modification of the existing special permit.

Paul Halkiotis stated the application was routed to various Town Departments and received the following comments.

Department of Public Works (DPW)

WATER

- 12x6 tap & sleeve for new line off of the 12"
- Cut & Cap 2" at main
- 18" separation between water & sewer (water on top)

BZA CASE #2684 75 Finnell Drive

January 15, 2003

SEWER

- Need more information on the sewer coming from the proposed air support structures

ENGINEERING

- Elevations must be on Town of Weymouth Datum, not assumed datum (note 4 on drawing sheet 2)
- Assessors Map reference is missing
- An adequate review cannot be performed due to the following. These are old plans (almost 2 years old). We believe that much of what is shown as proposed is actually existing but what is existing and what is proposed cannot be determined from these plans. We need the as-built locations of all existing buildings and existing utilities. I believe these plans show utility locations that were previously rejected by DPW (ie. Sewer service under a proposed canopy).

The Health Department had no objections. The Conservation Commission had no comments. The Tax Department reports that the taxes are up to date.

The Chairman asked if the public had any comments, to which there was no reply.

A MOTION to close the public hearing was made and seconded, and was UNANIMOUSLY VOTED.


A MOTION was made by Mary McElroy to APPROVE the request for a SPECIAL PERMIT to add a 3-lane lap pool and accessory structures adjacent to existing pool with the stipulation that the DPW concerns and conditions must be met and was seconded by Stanley Elkerton and was UNANIMOUSLY VOTED.

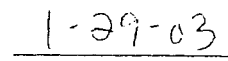
FINDINGS:

The Board found that the SPECIAL PERMIT would not derogate from the intent and purpose of the Zoning Ordinance, and the requested relief could be granted without substantial detriment to the public good nullifying or substantially derogating from the intent and purpose of the Ordinance as it does not violate any current bylaws as put forth in the Smith-Cox decision.

DECISION OF THE BOARD:

The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings, it was UNANIMOUSLY VOTED to APPROVE the request for a SPECIAL PERMIT to add a 3-lane lap pool and accessory structures adjacent to existing pool with the stipulation that the DPW concerns and conditions must be met as it does not violate any current bylaws as put forth in the Smith-Cox decision.


Mary McElroy, Secretary


Date

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT/VARIANCE**

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

Owner:	Finnell Drive Realty Trust	Date:	June 13, 2001
Address:	75 Finnell Drive Weymouth, MA		
Applicant:	Stephen E. & Sally A. Goldman	Case #:	2536
Address:	75 Finnell Drive Weymouth, MA		
Attorneys	Gregory F. Galvin	Site Address:	75 Finnell Drive
Address:	775 Pleasant St. Unit 16 Weymouth, MA 02189	Sheet:	36
		Block:	452
		Lot:	5 & 12

Special permit application filed on March 14, 2001.

After a public hearing on, 04/18/01 & 05/02/01, the Board of Zoning Appeals at its meeting on May 2, 2001,

UNANIMOUSLY VOTED to approve the Special Permit and/or variance to allow the applicant to modify and extend the special permit and variance granted in BZA Case #2457 by increasing the size of the reception center/field house on lot 2 and encroaching on the front yard set back: construction of a permanent connector between the main building and the new tension support structure over existing tennis courts; addition to existing main building; reduction in size of a second pool building; and relocation of service ramp as per plan and application with CONDITIONS.

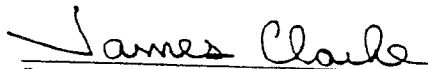
Under MGL Chapter 40A, Section 18, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

After the twenty (20) day appeal period has passed, the petitioner shall record the certificate of granting of variance and/or special permit 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 June 13, 2001

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

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DECISION OF THE BOARD:

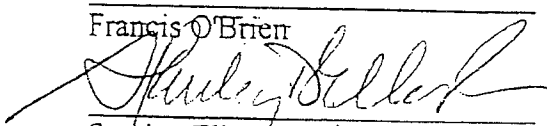
The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings, it was UNANIMOUSLY VOTED to approve the Special Permit and/or variance to allow the applicant to modify and extend the special permit and variance granted in BZA Case #2457 by increasing the size of the reception center/field house on lot 2 and encroaching on the front yard set back; construction of a permanent connector between the main building and the new tension support structure over existing tennis courts; addition to existing main building; reduction in size of a second pool building; and relocation of service ramp as per plan and application with CONDITIONS:

1. THIS APPROVAL DOES NOT SUSPEND OR SUPERCEDE THE CONDITION OF APPROVAL OF BOARD OF ZONING APPEALS CASE #2457.
2. THE CONSERVATION COMMISSION HAS ONGOING CONDITIONS: THAT THE EXISTING DRAINAGE SWALE BE KEPT FREE FLOWING AND FREE OF DEBRIS AND THAT THE SWALE BE CLEANED TWICE A YEAR TO REMOVE ANY SILT. THE PROPERTY OWNER IS TO REPORT ON JULY 1 OF EACH YEAR TO THE CONSERVATION COMMISSION ANY SWALE CLEANING, SILT REMOVAL OR OTHER SWALE MAINTENANCE THAT WAS DONE WITHIN THE PRECEDING YEAR.
3. THE GROUND COVER PLANTING THAT WAS DISCUSSED WITH THE NEIGHBOR WILL BE REVIEWED BY THE PLANNING DEPARTMENT BEFORE APPROVAL.

DATE SIGNED/APPROVED: _____


Richard McLeod, Chairman


Mary McElroy, Secretary

Francis O'Brien

Stanley Elkerton

Edward Foley

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Dec 17 3 40 PM '99

OFFICE OF TOWN CLERK
WEYMOUTH, MASS

**BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
OCTOBER 28, 1999**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Thursday evening, October 28, 1999, at Weymouth Town Hall, 75 Middle Street, Weymouth, MA at 7:30 p.m. for the purpose of passing on the application of certain persons whose petitions were properly before the Board. Notice of the public hearing had been given by mail to the parties in interest of the subject locus and by publication in the WEYMOUTH NEWS on 10/6/99 & 10/13/99.

Present for the Board:

- Robert L. Quindley, Chairman
- Francis T. O'Brien, Secretary
- John F. Fehan
- Robert E. Haley
- Edward J. Jordan

The Chairman called the hearing to order and explained the procedure, which would be followed to the people present.

ZBA CASE #2457 – 75 FINNELL DRIVE – 10/28/99 & 11/18/99

Application of STEPHEN E. AND SALLY A. GOLDMAN, TRUSTEES OF FINNELL DRIVE REALTY TRUST for property located at 75 FINNELL DRIVE AS SHOWN ON THE 1999 Weymouth Assessors Map as SHEET 36, BLOCK 452, LOTS 5 & 12, and containing 249,511+/-s.f. & 200,700+/-s.f. with a frontage of 625+/-ft. and 810+/-ft. in an I-1 (Industrial) Zoning District seeking relief and/or approval from CHAPTER 120, ARTICLE 9, SUBSECTION 120-29.E, Special Permit Uses – Place of Recreation or Assembly, 13, SUBSECTION 120-39, Continuation, 15, 120-51 – Table 1/Schedule of District Regulations (minimum rear yard depth), 15, SUBSECTION 120-62, Location on lot restrictions for structures abutting R-1 District or school, 17, SUBSECTION 120-74Q, Minimum required spaces – Unlisted requirements of THE TOWN OF WEYMOUTH ZONING BY-LAWS, for a SPECIAL PERMIT and/or a DIMENSIONAL VARIANCE seeking permission to remove from the existing building two tennis courts and replace them with a Wellness and Therapy Area, also adding a mezzanine area, additional locker facilities, renovated pool and gymnasium area; further to construct a storage garage, new addition over rear pool, new front canopy and replace existing air support structure with tension support structures, all within the set back lines as per plans submitted (All measurements more or less).

Attorney Gregory Galvin of 775 Pleasant Street, Weymouth, MA was present to represent Stephen E. Goldman along with Dennis Reiske, Architect of Developmental Resources Architectural Planning & Urban Design. The proposed plan is scheduled to be implemented over the next several years. If the applicant had the resources, he would do all stages immediately, but is unable to do so at this time. At the suggestion of Mr. Jeffrey Coates, Inspector of Buildings, Mr. Goldman sat down with Mr. Reiske and they

ZBA CASE #2457 – 75 FINNELL DRIVE – 10/28/99 & 11/18/99

put together the future plans of the club over the next three to five years, and put this together for the Boards consideration. This is a use in the I-1 Industrial Zone and it requires a special permit under Section 120-29.E, of the Town of Weymouth By-Law. The applicant has been to the Town of Weymouth Conservation Commission and received an Order of Conditions. That Order of Conditions deals with the immediate future proposal to construct a tennis court and reception area. The additional parking areas proposed will also be done immediately. This new parking should alleviate any parking concerns on Finnell Drive. The proposed wellness area will increase the parking needs. There will be medical experts working in the area 9-5, Monday through Friday, and 9-12 on Saturdays. There is a canopy proposed in the front to shelter the handicapped, children or elderly to be dropped off, so they will not be exposed to the elements.

The proposal will locate structures no closer to rear residents than currently exists.

A letter from James Clarke of the Planning Department dated October 28, 1999, was read by Fran O'Brien, which listed several comments. They suggested the applicant should explain how the wetlands will be relocated and insure that there be no impact on abutter's property. The applicant should describe the impact of the expansion on increased traffic to and from the site and its impact on the road system. The traffic analysis should be correlated with the parking in order that adequate spaces are provided.

A copy of the Order of Conditions was submitted to the Board for their information.

Dennis Reiske, Architect, stated there is no lighting plans for the site, but would have twelve-foot box with light shields. The proposed dumpster was also left off the plan.

A discussion was held regarding the current and proposed parking spaces. There is currently 194 spaces, and are required to have 162, and they proposed to have 280 spaces, with a requirement of 261. Working with a 3-5 year projection, the parking is the first project that is going to be completed. They plan on starting work within one year. The issue of the drainage was held, and the Board felt the applicant should submit a plan on the proposed drainage and grading. A discussion was held regarding the elevation of the land, and where a 26' building will sit, and the proximity to the abutters. It was noted that the proposed building would be lower than the current "air structure".

A discussion was held regarding the amount of traffic that will be generated. The traffic of the business establishments in the area departs between 5:00 – 6:00 p.m., and the peak hours that traffic would be generated by this business incoming would be approximately 5:00 p.m. – 8:00 p.m. In the morning, the activity is generated at approximately 6:00 – 7:00 a.m., and then after 9:00 a.m.- 11:00 a.m.

ZBA CASE #2457 – 75 FINNELL DRIVE – 10/28/99 & 11/18/99

The chairman asked if there was anyone present who was in favor of the application, to which there was no reply. The chairman asked if there was anyone present opposed to the application. Judy Patrick of 76 Old Colony Drive, Leonard Saltmarsh of 68 Old Colony Drive, Pauline Kennedy of 50 Old Colony Drive each had concerns regarding impact on neighborhood property values and water drainage problems that currently exist, and what may exist with proposed changes. Mr. Saltmarsh stated that as long as the project will not infringe on the wetlands, he would not object. Judy Patrick also stated she had concerns regarding emergency vehicles having proper access to the area. She also stated it was not just a swail that goes around their property, but an actual stream.

A motion to close the public hearing was made by Edward Jordan and seconded by John Fehan, and UNANIMOUSLY VOTED.

Chairman Quindley requested a plan to show what will happen to the water in the area. Edward Jordan discussed having drainage plans that will show the runoff from the new parking area, along with the existing area. An explanation to the public with regards to the detention pond might help alleviate the neighbors concern. A discussion was held regarding moving the storage container that is close to the rear lot line, away from the abutter's property.

Mr. Fehan suggested the applicant provide a site plan showing proposed drainage, and a plan that shows the offsite conditions, where the neighbors property is, to help explain the entire water situation. Gregory Galvin stated he would contact Gale Engineering to try and accommodate the Board's request. A copy of the Order of Conditions was also requested.

Jeffrey Richards, Deputy Inspector of Buildings, questioned the 20 foot roadway for the parking/tennis area with regards to emergency vehicles having adequate access. He suggested that the Police and Fire Departments should be notified by the applicant, so they may give comment to the issue of safety of the proposed road.

A motion was made by John Fehan to continue the hearing to November 18, 1999, at 7:30 p.m., and was seconded by Edward Jordan, and UNANIMOUSLY VOTED.

CONTINUED HEARING OPENED 7:30 P.M. – NOVEMBER 18, 1999

A motion to waive the reading of the legal notice was made by Edward Jordan and seconded by John Fehan, and UNANIMOUSLY VOTED.

Attorney Gregory Galvin was present with Stephen Goldman to address the issues brought forth at the prior meeting. The Conservation Commission Order of Condition has been submitted for the Boards review as requested. Traffic and parking issues have been addressed by Gale Engineering and conducted a survey on three different dates, and

ZBA CASE #2457 – 75 FINNELL DRIVE – 10/28/99 & 11/18/99

that information has been provided to the Board. Roger Lemieux of Gale Engineering also was present to discuss USGS maps regards to the drainage as to where the flow goes when it leaves the property. It was shown that the flow of water leaves the property and is directed to the Mill River.

A discussion was held on the phases of work to be completed in accordance to the master plan that has been submitted. The Goldman's would like to be able to complete all work as submitted, but economics will dictate what will be completed within the time frame of two years. Edward Jordan stated that normally the approval would be for two years. If the Board approves the project and not all work is complete in that time frame, it was stated by Jeffrey Richards, Deputy Inspector of Buildings, that the applicant would need to come back before the Board to apply for an extension. According to the applicant, the conservation issues would be addressed first, followed by the parking.

Edward Jordan asked the applicant how close the storage facility is to the abutter. Mr. Goldman stated he would like to keep it where it is, but will move it if the Board requires it.

Fran O'Brien asked what the hours of operation would be for the outdoor tennis court. The applicant replied they shut down at 10:00 p.m. when in the bubble structure, and are regulated by daylight in the warm months when the bubble is not in use.

Roger Lemieux of Gale Engineering spoke on the Conservation issue. The area in question is designated as an intermittent stream. At one time, it was planned to divert all of the flow of water into a detention area, and redirect the flow away from its current path, and DEP would allow the redirection of the flow of the stream. Francis O'Brien asked Roger Lemieux if the abutters are worse off due to the prior illegal action of the redirection of the flow. Mr. Gregory Galvin stated there was flooding before and after Mr. Finnell installed the culvert, which was not a legal change of the water flow. This was a prior owner of the property that altered the water. The applicant believes that the changes that have been made, along with those that are proposed, with the detention pond, will make things better for the abutters with regard to their water problems. There would be a decrease in the amount of water going down from the Goldman's property as it is diverted through the drains and the detention pond.

Francis O'Brien stated four concerns of water, noise, lighting, and traffic. Mr. O'Brien stated they have addressed the water issue. Gregory Galvin stated that the lighting plan has been submitted and shows where the lighting will be. The basketball courts and pool that were outside will be moved inside, so the noise factor will be reduced overall. The engineers submission shows that most of the traffic starts to enter around 4:00 to 4:30 p.m. So, the parking areas are saturated by 5:00 p.m., and most are gone by 8:00 p.m. In the morning, the peak hours begin at 9:00 a.m., so the commuter traffic has passed. Therefore, the traffic report shows that even at the peak hours there are parking spaces available presently.

ZBA CASE #2457 – 75 FINNELL DRIVE – 10/28/99 & 11/18/99

Jack Fehan stated he has a problem with the lack of maintenance on the drainage system. There were some objects that have fallen into the stream that runs along the rear of the property from the applicant's property. Gregory Galvin stated that activity from children in the area makes it difficult to maintain the area. A comprehensive drainage maintenance plan was required with the approval that was given by the Conservation Commission that will be adhered to.

Jack Fehan questioned the site elevation and the tree growth in that area where the maintenance garage would be built 26' from the property line. Gregory Galvin stated they would like to have it there, but would move the building or eliminate the building as a condition of approval if necessary. There would be no trees disturbed in that area. Jack Fehan questioned the filled slope next to the Kelly property that appears to be manmade when originally built 28 years ago. It looks like a pile of rubble to him, and asked if any attempt can be made to reduce the impact on the residential area aesthetically. Mr. Goldman replied that existed 28 years ago when the tennis courts were constructed. It is the rip-rap wall that surrounds the tennis courts.

A letter dated November 8, 1999, from William Woodward, Conservation Administrator was submitted which stated the Conservation Commission has issued an Order of Conditions for the project at Weymouth Club DEP File #81-770. The applicant has not started this project and no Certificate of Compliance has been issued. None will be required until this project is complete and then inspected by the Conservation Commission to insure compliance with the Order of Conditions. The Conservation Commission has previously issued an Order of Conditions for the parcel under file #81-649. A Certificate of Compliance for that project on 10/14/98 was issued, however, it has no relation to this current project.

A letter dated November 17, 1999, from Charles W. Deacon, Deputy Fire Chief, was submitted which stated the Fire Department has reviewed the plans for the Weymouth Club additions on Finnell Drive, and found no apparent fire protection problems at this time.

A letter dated November 15, 1999, from Mark and Pauline Kennedy was submitted which discussed the drainage issue with regards to the stream created by Mr. Finnell previously. They stated the stream is not intermittent, but a constant flow of water. They also stated that the water is obstructed with logs and other debris, which defeats the purpose, and as a result, flooding continues to be a problem.

Robert Quindley asked the applicant about the maintenance of the stream. After walking the area, it appeared to him that the stream was not maintained. The applicant stated they do attempt to keep the stream clear of debris, but it is a constant battle to do so.

ZBA CASE #2457 – 75 FINNELL DRIVE – 10/28/99 & 11/18/99

A motion was made by Francis O'Brien to approve the application as submitted with conditions, and was seconded by Robert Haley.

A motion was made to reopen the public hearing by Francis O'Brien and seconded by John Fehan, and UNANIMOUSLY VOTED.

The Chairman asked if there was anyone present in favor of the application. There was no reply. The Chairman asked if there was anyone present opposed to the application. Pauline Kennedy of 50 Old Colony Drive was concerned regarding the drainage swail never being maintained. Mr. Saltmarsh of 16 Old Colony Drive wanted to be sure the trees were protected. Robert Kelly of 32 Old Colony Drive stated he was concerned with the area behind the tennis courts that was messy. The rocks appeared to be a pile of rubble. Jean Patrick of 176 Old Colony Drive would like to see an artist rendering of the project.

A motion was made to close the public hearing by Edward Jordan and seconded by Robert Haley, and UNANIMOUSLY VOTED.

A motion was made by Edward Jordan to approve the application as submitted with conditions, and seconded by Robert Haley.

FINDINGS:

The Board found that the Special Permit and the required Dimensional Variance would not derogate from the intent and purpose of the Zoning By-Law or be a detriment to the public good. The Board further found that the requirements of Subsections 120-29.E, 120-51, 120-62 had been met as a substantial hardship, financial or otherwise, exists due to the lot configuration and sewer easement on the lot and that the relief requested could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law.

DECISION OF THE BOARD:

The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings, it was APPROVED BY A 4-1 VOTE, WITH JOHN FEHAN OPPOSED.

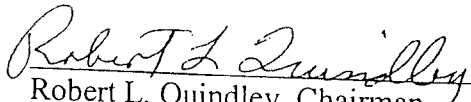
TO GRANT A SPECIAL PERMIT UNDER SUBSECTION 120-29.E AND THE REQUIRED DIMENSIONAL VARIANCE UNDER SUBSECTIONS 120-51 AND 120-62 FOR PROPERTY LOCATED AT 75 FINNELL DRIVE ON 1999 WEYMOUTH ASSESSORS MAP SHEET 36, BLOCK 452, LOTS 5 & 12 TO REMOVE FROM FROM THE EXISTING BUILDING TWO TENNIS COURTS AND REPLACE THEM WITH A WELLNESS AND THERAPY AREA, ALSO ADDING A MEZZANINE AREA, ADDITIONAL LOCKER FACILITIES, RENOVATED POOL AND

ZBA CASE #2457 - 75 FINNELL DRIVE - 10/28/99 & 11/18/99

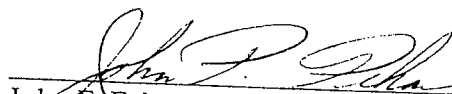
GYMNASIUM AREA; FURTHER TO CONSTRUCT SIX TENNIS COURTS AND ADDITIONAL PARKING LOTS. ALSO TO CONSTRUCT A STORAGE GARAGE, NEW ADDITION OVER REAR POOL NEW FRONT CANOPY AND REPLACE EXISTING AIR SUPPORT STRUCTURE WITH A TENSION SUPPORT STRUCTURE, ALL WITHIN THE SET BACK LINES AS PER PLANS SUBMITTED (ALL MEASUREMENTS MORE OR LESS) WITH THE FOLLOWING CONDITIONS:

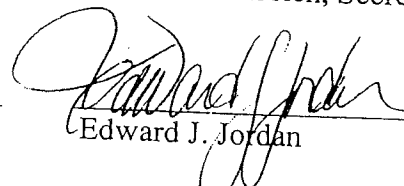
1. PARKING AND CONSERVATION COMMISSION WORK AND THE DRAINAGE TO BE COMPLETED PRIOR TO THE CONSTRUCTION OF ANY STRUCTURES
2. STORAGE AREA IN THE REAR BE RELOCATED
3. SCREENING AT THE END OF THE PARKING TO ELIMINATE LIGHTING TO THE NEIGHBORS
4. MASTER PLAN ITEM #15 SHALL BE STRICKEN FROM THE PLAN (PROPOSED PARKING STRUCTURE WITH SIXTY SPACES)
5. ALL LIGHTING TO BE ANGLED TO BE DIRECTED AWAY FROM THE RESIDENTIAL PROPERTY
6. ALL DUMPSTERS SCREENED AND ENCLOSED WITH A FENCE HIGHER THAN THE DUMPSTERS

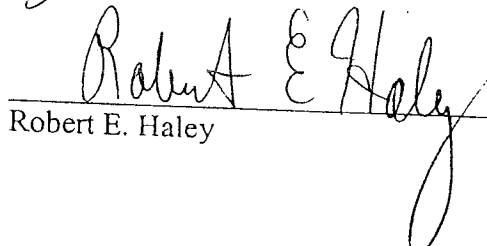
SIGNED/APPROVED: _____


Robert L. Quindley, Chairman

Francis T. O'Brien, Secretary


John F. Fehan


Edward J. Jordan


Robert E. Haley

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BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
JULY 20, 1995

OCT 5 11 20 AM '95

OFFICE OF TOWN CLERK
WEYMOUTH, MASS.

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Thursday evening, July 20, 1995 at Weymouth Town Hall, 75 Middle Street, Weymouth, MA at 7:30 P.M. for the purpose of passing on the applications of certain persons whose petitions were properly before the Board. Notice of the public hearing had been given by mail to the parties in interest of the subject locus and by publication in the WEYMOUTH NEWS on 6/28 & 7/5/95.

Present for the Board: Paul M. Dello Iacono, Chairman
Jackee A. Nickerson, Secretary
Robert E. Haley
Robert L. Quindley
Robert M. LaRocco

The Chairman called the meeting to order and explained the procedure which would be followed to the people present.

ZBA CASE #2307 - 75 FINNELL DRIVE - 7/20/95

APPLICATION OF STEVEN E. GOLDMAN and SALLY A GOLDMAN, TRUSTEES OF FINNELL DRIVE REALTY TRUST for property located at 75 FINNELL DRIVE shown on 1995 Weymouth Assessor's Map as SHEET 36, BLOCK 452, LOTS 5 and 12 with Lot 5 containing 249,511 +/- sq. ft. with frontage of 625 +/- ft. and Lot 12 containing 200,700 +/- sq. ft. with frontage of 810 +/- ft. in a I-1 (Industrial) Zoning District, seeking relief and/or approval from CHAPTER 120, ARTICLE 9, SUBSECTION 120-29E Special permit uses (Place of recreation or assembly), 17, 120-74R Minimum required spaces (Unlisted parking requirements) OF THE TOWN OF WEYMOUTH ZONING BY-LAWS, for a SPECIAL PERMIT and/or DIMENSIONAL VARIANCE seeking permission to expand member services within the existing building as well as to construct a new parking area and outdoor tennis and recreational area as per plans submitted. (All measurements mor or less.)

Attorney Gregory F. Galvin, 49 Pleasant Street was present with the applicant Steven E. Goldman and Peter Williams, Engineer, Gale Associates to explain the nature of the petition to the Board.

Counsel explained that Mr. & Mrs. Goldman would like to construct an additional parking area to try and improve the traffic/parking problems associated with the Tennis Club, and a recreational type facility as shown on the plans, ie: tennis courts on the lot the applicant has recently acquired.

ZBA CASE #2307 - 75 FINNELL DRIVE - 8/24/95

A lengthy discussion ensued among the Board members relative to the proposed parking, the "No Parking" signs, the proposed tennis courts, the letter of agreement from Michael Finnell to hire a towing company to patrol the street.

Jackee A. Nickerson agreed that additional parking is necessary but maybe 64 spaces would not be adequate. If the clay courts are installed then he felt there would definitely be a problem with parking. He suggested deleting the courts from the application and voting on the parking lot only. If the situation is corrected then Mr. Goldman can come back before the Board for the tennis courts. He would also like to see a five (5') foot green vinyl chain link fence installed at the front of the building.

FINDINGS:

The Board found that the Special Permit would not derogate from the intent and purpose of the Zoning By-Law or be a detriment to the public good. The Board further found that parking calculations per Subsection 120-74R were acceptable as approved by the Inspector of Buildings and the additional parking should go a long way to improving the operations of the club and improve the access on Finnell Drive.

DECISION OF THE BOARD

The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings it was UNANIMOUSLY VOTED:

PETITION GRANTED FOR A SPECIAL PERMIT
UNDER SUBSECTION 120-29E FOR PROPERTY
LOCATED AT 75 FINNELL DRIVE SHOWN ON
1995 WEYMOUTH ASSESSOR'S MAP AS SHEET
36, BLOCK 452, LOTS 5 & 12 SEEKING
PERMISSION TO EXPAND MEMBER SERVICES
WITHIN THE EXISTING STRUCTURE AS WELL
AS CONSTRUCT A NEW PARKING AREA AS
PER AMENDED PLAN WITH CONDITIONS:

1. That portion of the application requesting permission to construct additional outdoor tennis courts shall be deleted as agreed to by the applicant.
2. A copy of the contract with the towing company shall be on file with Inspector of Buildings prior to the issuance of a building permit.
3. "No Parking - Violators Will Be Towed" signs shall be placed on Finnell Drive and enforced completion of the parking area.

PARKING COUNTS

DATE: 12/16

9:00AM REGULAR	<u>73</u>	HANDICAP	<u>1</u>
10:00AM REGULAR	<u>59</u>	HANDICAP	<u>3</u>
11:00AM REGULAR	<u>86</u>	HANDICAP	<u>6</u>
12:00PM REGULAR	<u>121</u>	HANDICAP	<u>6</u>

4:00PM REGULAR	<u>141</u>	HANDICAP	<u>10</u>
5:00PM REGULAR	<u>102</u>	HANDICAP	<u>9</u>
6:00PM REGULAR	<u>106</u>	HANDICAP	<u>13</u>
7:00PM REGULAR	<u>125</u>	HANDICAP	<u>15</u>

DATE: 12/17

9:00AM REGULAR	<u>65</u>	HANDICAP	<u>1</u>
10:00AM REGULAR	<u>63</u>	HANDICAP	<u>3</u>
11:00AM REGULAR	<u>126</u>	HANDICAP	<u>8</u>
12:00PM REGULAR	<u>119</u>	HANDICAP	<u>9</u>

4:00PM REGULAR	<u>120</u>	HANDICAP	<u>12</u>
5:00PM REGULAR	<u>92</u>	HANDICAP	<u>13</u>
6:00PM REGULAR	<u>77</u>	HANDICAP	<u>12</u>
7:00PM REGULAR	<u>115</u>	HANDICAP	<u>16</u>

DATE: 12/18

9:00AM REGULAR	<u>71</u>	HANDICAP	<u>1</u>
10:00AM REGULAR	<u>66</u>	HANDICAP	<u>5</u>
11:00AM REGULAR	<u>110</u>	HANDICAP	<u>9</u>
12:00PM REGULAR	<u>131</u>	HANDICAP	<u>8</u>

4:00PM REGULAR	<u>147</u>	HANDICAP	<u>16</u>
5:00PM REGULAR	<u>112</u>	HANDICAP	<u>9</u>
6:00PM REGULAR	<u>87</u>	HANDICAP	<u>6</u>
7:00PM REGULAR	<u>123</u>	HANDICAP	<u>13</u>

DATE: 12/19

9:00AM REGULAR	<u>68</u>	HANDICAP	<u>3</u>
10:00AM REGULAR	<u>111</u>	HANDICAP	<u>2</u>
11:00AM REGULAR	<u>96</u>	HANDICAP	<u>7</u>
12:00PM REGULAR	<u>128</u>	HANDICAP	<u>6</u>

4:00PM REGULAR	<u>158</u>	HANDICAP	<u>13</u>
5:00PM REGULAR	<u>115</u>	HANDICAP	<u>14</u>
6:00PM REGULAR	<u>131</u>	HANDICAP	<u>15</u>
7:00PM REGULAR	<u>146</u>	HANDICAP	<u>15</u>

Change times to the half hour

PARKING COUNTS

DATE: 12/20

9:00AM REGULAR	<u>96</u>	HANDICAP	<u>8</u>
10:00AM REGULAR	<u>59</u>	HANDICAP	<u>13</u>
11:00AM REGULAR	<u>72</u>	HANDICAP	<u>12</u>
12:00PM REGULAR	<u>104</u>	HANDICAP	<u>14</u>

4:00PM REGULAR	<u>163</u>	HANDICAP	<u>10</u>
5:00PM REGULAR	<u>112</u>	HANDICAP	<u>12</u>
6:00PM REGULAR	<u>104</u>	HANDICAP	<u>13</u>
7:00PM REGULAR	<u>139</u>	HANDICAP	<u>14</u>

DATE: 12/21

9:00AM REGULAR	<u>130</u>	HANDICAP	<u>11</u>
10:00AM REGULAR	<u>103</u>	HANDICAP	<u>12</u>
11:00AM REGULAR	<u>109</u>	HANDICAP	<u>8</u>
12:00PM REGULAR	<u>98</u>	HANDICAP	<u>7</u>

4:00PM REGULAR	<u>162</u>	HANDICAP	<u>12</u>
5:00PM REGULAR	<u>171</u>	HANDICAP	<u>13</u>
6:00PM REGULAR	<u>179</u>	HANDICAP	<u>13</u>
7:00PM REGULAR		HANDICAP	

DATE: 12/22

9:00AM REGULAR	<u>68</u>	HANDICAP	<u>3</u>
10:00AM REGULAR	<u>57</u>	HANDICAP	<u>4</u>
11:00AM REGULAR	<u>98</u>	HANDICAP	<u>12</u>
12:00PM REGULAR	<u>123</u>	HANDICAP	<u>13</u>

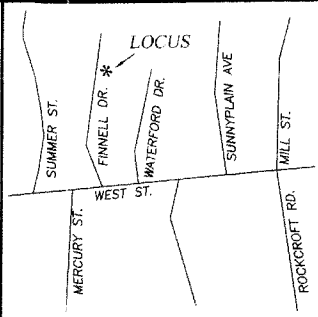
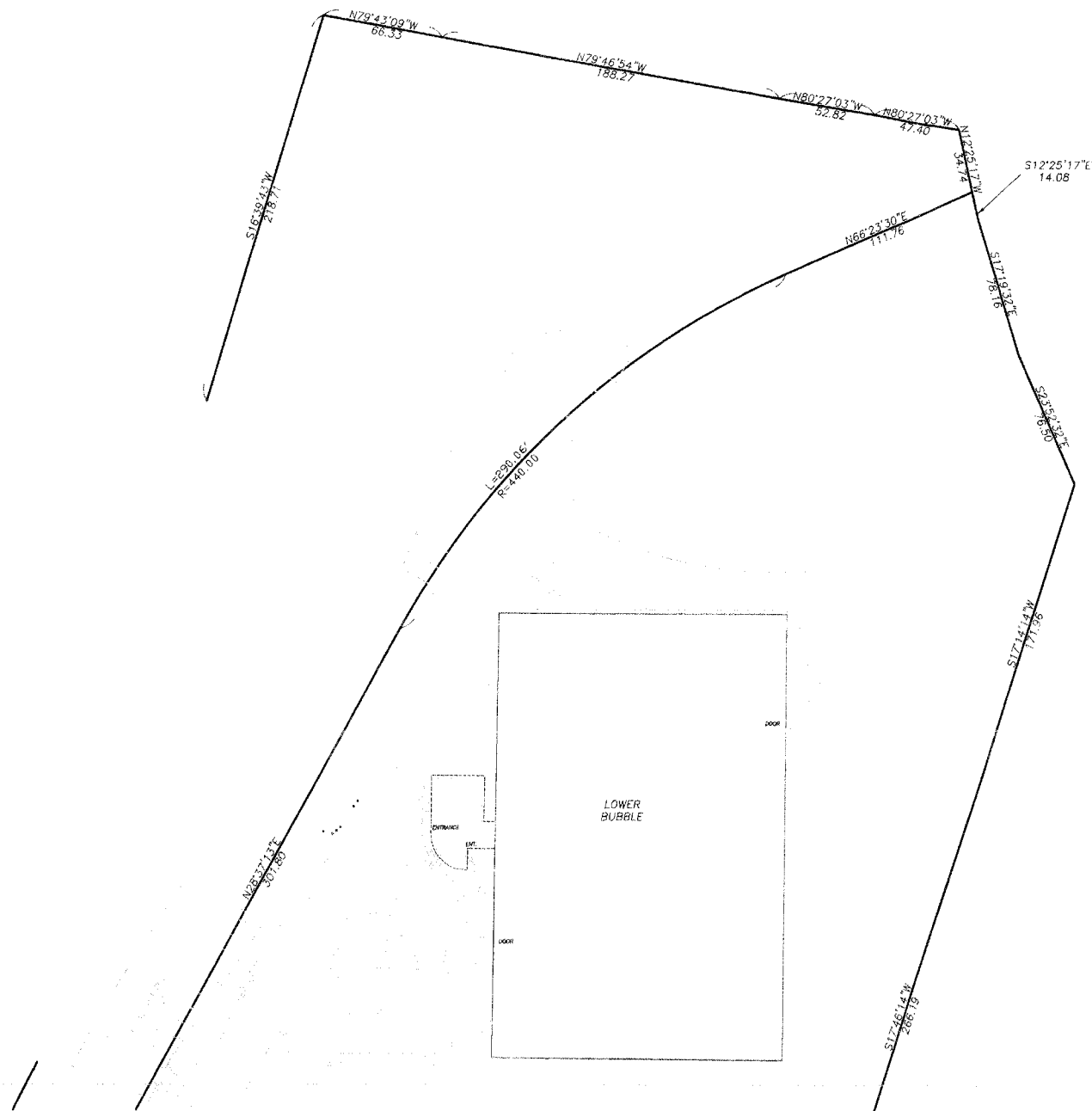
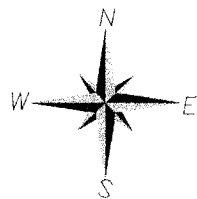
4:00PM REGULAR	<u>159</u>	HANDICAP	<u>12</u>
5:00PM REGULAR	<u>122</u>	HANDICAP	<u>15</u>
6:00PM REGULAR	<u>80</u>	HANDICAP	<u>16</u>
7:00PM REGULAR	<u>131</u>	HANDICAP	<u>14</u>

DATE: 12/23

9:00AM REGULAR	<u>70</u>	HANDICAP	<u>7</u>
10:00AM REGULAR	<u>93</u>	HANDICAP	<u>11</u>
11:00AM REGULAR	<u>113</u>	HANDICAP	<u>5</u>
12:00PM REGULAR	<u>126</u>	HANDICAP	<u>4</u>

4:00PM REGULAR	<u>192</u>	HANDICAP	<u>14</u>
5:00PM REGULAR	<u>169</u>	HANDICAP	<u>15</u>
6:00PM REGULAR	<u>116</u>	HANDICAP	<u>14</u>
7:00PM REGULAR	<u>118</u>	HANDICAP	<u>12</u>

Change times to the half hour



LOCUS MAP (N.T.S.)

ZONING
I1 (LIMITED INDUSTRIAL)
SETBACKS FRONT = 40'
SIDE = 25'
REAR = 50'

THE LOCUS IS LOCATED IN FLOOD ZONE X
AS SHOWN ON F.I.R.M. MAP 25021C0229E
EFFECTIVE DATE JULY 17, 2012

DEED REFERENCE : L.C. CERT.NO 160364
PLAN REFERENCE: L.C. CERT. NO. 103303



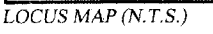
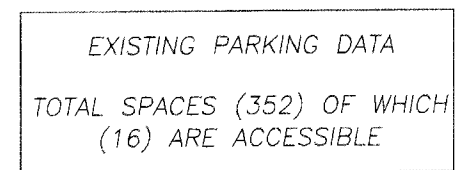
STENBECK & TAYLOR, INC.
Registered Professional Engineers and Land Surveyors
844 Webster Street
Marshfield, MA 02050
Phone: 781-834-8501
Fax: 781-837-8238
www.stenbeckstaylor.com

Drawn By: LJT/CT	Checked By: JBT/RVS
Scale: 1" = 40'	Date: December 23, 2014
Job No.: 8071	Drawn By: METAMORPHIC
Sheet No. 1 OF 2	



Revisions	

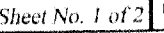
Drawn For: FINNELL DRIVE REALTY LLC
EXISTING CONDITIONS PLAN
PARCEL ID: 36-452-5
75 FINNELL DRIVE
WEYMOUTH, MA

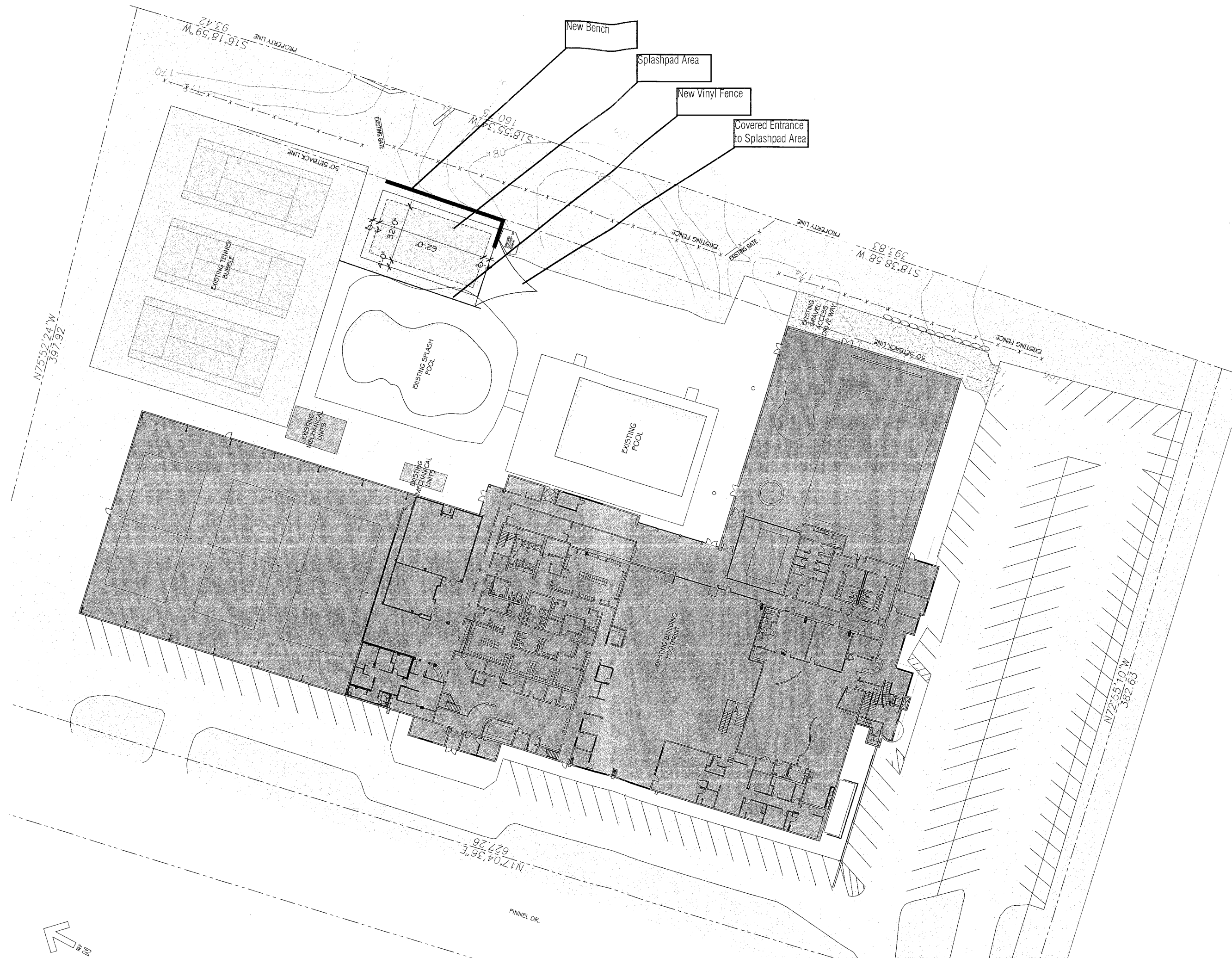


THE LOCUS IS LOCATED IN FLOOD ZONE X
AS SHOWN ON F.I.R.M. MAP 25021C0229E
EFFECTIVE DATE JULY 17, 2012

DEED REFERENCE : L.C. CERT.NO 160364

PLAN REFERENCE: L.C. CERT. NO. 103303

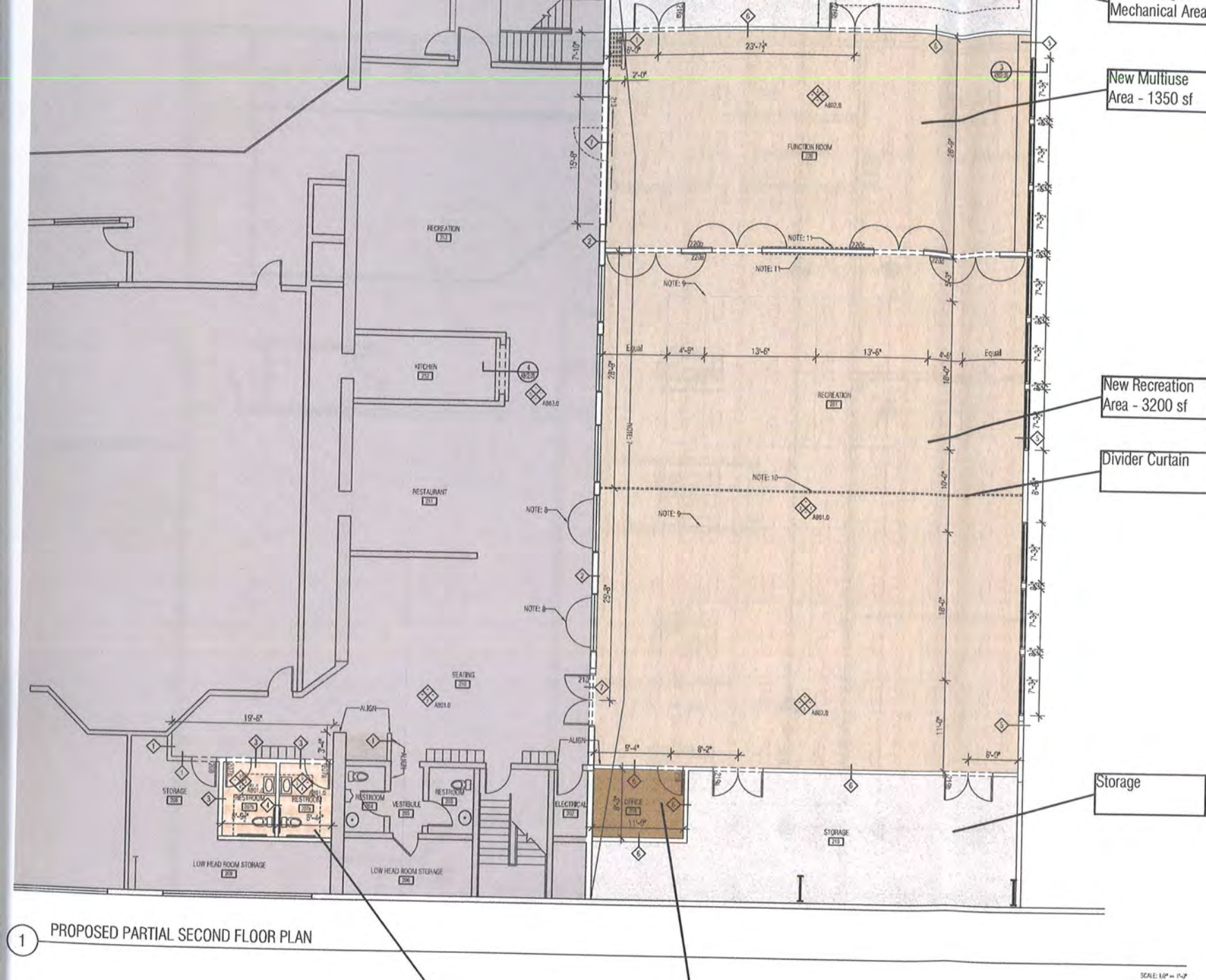




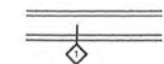


and Rain Deck

and Examples
h Club



FEATHER CONCRETE UP TO NEW FLOOR LEVEL



EXISTING WALL PARTITION TO REMAIN
NEW WALL PARTITION. SEE PARTITION TYPES FOR MORE INFO.

GENERAL PLAN NOTES:

- REFER TO PROJECT GENERAL NOTES FOR GENERAL REQUIREMENTS, WORKMANSHIP, MATERIALS, AND SHOP DRAWING REQUIREMENTS INCLUDED IN THIS CONTRACT.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS FOR COORDINATION WITH WORK TO BE EXECUTED. PRIOR TO COMMENCING CONSTRUCTION, ARCHITECT AND OWNER MUST BE NOTIFIED OF DISCREPANCIES IMMEDIATELY.
- FLOOR TO BE LEVEL, MAINTAINING A TOP SURFACE LEVEL OF 1/8 INCH SLOPE IN TEN FEET. THE CONTRACTOR SHALL PROVIDE SELF-LEVELING UNDERLAYMENT WHERE REQUIRED AND INSTALL IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS. SEE SPECIFICATIONS.
- THE ARCHITECT SHALL REVIEW AND APPROVE PARTITION LAYOUT PRIOR TO PROCEEDINGS.
- ALL CUTS AND PENETRATIONS SHALL BE FINISHED AND FIRESTOPPED WHERE REQUIRED. ALL FIRE-RATED SYSTEMS TO BE MAINTAINED.
- THE CONTRACTOR SHALL PROVIDE FIRE-RETARDANT TREATED WOOD BLOCKING FOR ATTACHMENT OF ALL DRAPERY TRACK, MILLWORK, EQUIPMENT, MIRRORS, WOOD BASE, ACCESSORIES, ETC., AS REQUIRED. COORDINATE QUANTITY AND LOCATION WITH ARCHITECT IF THERE IS A DISCREPANCY.
- ALL EXISTING WALLS, SURFACES, AND MATERIALS TO REMAIN ARE TO BE PROTECTED DURING CONSTRUCTION. THE CONTRACTOR SHALL PATCH AND REPAIR ALL EXISTING WORK DAMAGED OR AFFECTED BY WORK IN THIS SCOPE. ALL WORK TO BE IN "AS NEW" CONDITION AT THE END OF CONSTRUCTION.
- G.C. TO CORE AND COORDINATE ALL FLOOR PENETRATIONS FOR WATER RISERS, GAS RISERS, NETWORK CLOSET, ETC.
- COORDINATE WITH ARCHITECT THE LOCATION OF ALL ACCESS PANELS PRIOR TO INSTALLATION.
- HINGE SIDE OF DOOR FRAME SHALL BE OFFSET FROM ADJACENT WALL 4" U.O.N.
- SEE STRUCTURAL, ME/PE, LIGHTING, AND ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- PATCH AND REPAIR AS REQUIRED ALL FLOOR SURFACES PRIOR TO INSTALLATION OF SCHEDULED FLOORING MATERIALS.
- SEE SHEET A403.00 FOR DOOR AND HARDWARE SCHEDULE.
- ALL WORK TO BE NEW UNLESS OTHERWISE NOTED.
- AT NEW SHAFT PENETRATIONS MAINTAIN FIRE RATINGS AND/OR PROVIDE 8" OF SPRAY ON FIRE PROOFING CONSISTENT WITH BASE BUILDING.
- SEE SHEETS A401.0 FOR FINISH SCHEDULE.
- ALL WALLS TO BE TYPE 1 UNLESS OTHERWISE NOTED.
- METAL FRAMING TO BE ENGINEERED BY G.C. ADD KICKERS AS NECESSARY FOR WALLS TO MEET L/240 AT 5:RS PER SQ FT.
- ALL REVEALS TO BE 2" ALUMINUM UNLESS OTHERWISE NOTED.
- ALL WALLS TO BE PAINTED PT-1 UNLESS OTHERWISE NOTED.
- ALL PAINTED DOORS AND FRAMES ARE TO BE PAINTED WITH BENJAMIN MOORE SUPER SPEC 100% ACRYLIC INTERIOR ENAMEL IN EGGSHELL FINISH.
- ALL PAINTED WALLS ARE TO BE PAINTED WITH 100% ACRYLIC INTERIOR ENAMEL IN EGGSHELL FINISH.
- ALL PAINTED SOFFITS AND CEILING ARE TO BE PAINTED WITH 100% ACRYLIC INTERIOR ENAMEL IN FLAT FINISH.
- WALL COVERING IS TO BE INSTALLED FROM TOP OF NEW BASE TO BOTTOM OF CEILING U.O.N.
- ALL JOINTS AND PENETRATIONS OF FIRE-RATED ASSEMBLIES TO BE SEALED WITH APPROVED U.L. LISTED "F" AND "T" SYSTEMS. SUBMIT PRODUCT DATA AND INSTALLATION INFORMATION PRIOR TO INSTALLATION FOR ARCHITECT'S APPROVAL.
- DIMENSIONS ARE TAKEN FROM THE FACE OF MASONRY WALLS, COLUMN CENTERLINES, FINISH FACE OF EXISTING WALLS, AND FINISH FACE OF NEW WALLS UNLESS OTHERWISE INDICATED. NOTIFY ARCHITECT OF ANY DISCREPANCIES.
- VERIFY ALL CRITICAL DIMENSIONS WITHIN AND/OR RELATED TO THE EXISTING BUILDING. DIMENSIONS AND CONDITIONS INDICATED WERE DETERMINED BY VISUAL SURVEY AND/OR INFORMATION FROM EXISTING DRAWINGS.
- +/- DIMENSION IS EQUAL TO VERIFY IN FIELD.
- ALL EXISTING WALLS, FLOORS, AND CEILINGS SHALL BE FINISHED/REPAIRED SMOOTH TO BE SUITABLE TO RECEIVE NEW FINISHES AS DESCRIBED ON ROOM SCHEDULE/LEGEND.
- ALL EXISTING AND NEW SURFACES TO BE PREPARED FOR FINISHES PER MANUFACTURER'S RECOMMENDED INSTRUCTIONS.
- PLANS ARE NOT TO BE SCALED FOR FINISH OR WALL INFORMATION.
- WALLS BEHIND AND DIRECTLY ADJACENT TO ALL TOILET ROOM FIXTURES (LAVATORIES, TOILETS, AND URINALS) SHALL HAVE A SMOOTH, HARD, NON-ABSORBENT SURFACE. TOILET ROOM ACCESSORIES (GRAB BARS, TOILET PAPER DISPENSERS, ETC.) IN THESE AREAS SHALL BE INSTALLED AND SEALED TO PREVENT MOISTURE PENETRATION.

PLAN NOTES:

- MOISTURE RESISTANT GYPSUM BOARD TO BE USED IN ALL WET AREAS. CEMENTITIOUS BOARD TO BE USED ON ALL TILED WALLS.
- MAINTAIN REQUIRED ACOUSTICAL RATINGS WHEREVER PARTITIONS PENETRATING FINISHED CEILING ARE PIERCED BY CABLE TRAY, CONDUIT, DUCTS, OR STEEL. REFER TO DETAILS PROVIDED.
- RE-APPLY FIREPROOFING TO MAINTAIN RATINGS WHEREVER NEW CONSTRUCTION IS ANCHORED FIRMLY AND DIRECTLY TO EXISTING FIRE-RATED CONSTRUCTION.
- PROVIDE FIREPROOFING MATERIAL TO NEW CONSTRUCTION AS REQUIRED BY APPLICABLE CODES.
- ALL EXPOSED PIPING TO BE PAINTED TO MATCH ADJACENT FINISH U.O.N.
- PROVIDE CONTROL JOINTS AT INSIDE CORNERS WHEN REQUIRED. CONSULT ARCHITECT FOR CONTROL JOINTS REQUIRED IN OTHER LOCATIONS.
- ADD WALL ABOVE EXISTING CMU BLOCK WALL.
- REINSTALL REMOVED TABLE IN NEW LOCATION AS SHOWN.
- PAINT RED BALL COURT LINES IN WHITE ON RESILIENT FLOORING AS SHOWN. RED BALL COURTS TO BE REGULATION AS PER USTA. PAINT SPEC ONLY AS PROVIDED BY MATS INC. TO WORK WITH RESILIENT FLOORING.
- OUTLINE OF DIVIDER CURTAIN ABOVE. SEE RCP FOR MORE DETAILS.
- DROP DOWN SCREEN.
- MESH SCREEN TO DIVIDE STORAGE FROM MECHANICAL AREA.