

***Town of Weymouth  
Massachusetts***

**Kathleen A. Deree  
Town Clerk**

**Town Clerk's Department  
781-340-5017  
781-682-6129 (FAX)**



**Robert L. Hedlund  
Mayor**

**75 Middle Street  
Weymouth, MA 02189**

March 18, 2019

To Whom It May Concern:

I, Kathleen A. Deree, Town Clerk of the Town of Weymouth do hereby certify this to be the action taken by the Board of Zoning Appeals at their meeting held on February 13, 2019 on APPLICATION OF: GND Realty Trust, Case # 3374.

No appeal was filed within the twenty (20) day appeal period.

Signed: Kathleen A. Deree

A True Copy. ATTEST:

Kathleen A. Deree

Kathleen A. Deree  
Town Clerk

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION  
0-50 COMMERCIAL STREET**

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE

(To be mailed forthwith to the owner and applicant, if not the owner) **2019 FEB 26 AM 9:21**

<b>Owner:</b>	GND Realty Trust	<b>Date:</b>	February 26, 2019
<b>Address:</b>	96 Ridge Street Winchester, MA 01890		
<b>Applicant:</b>	GND Realty Trust	<b>Case #:</b>	3374
<b>Address:</b>	Nicholas Delegas 96 Ridge Street Winchester, MA 01890		
<b>Representative:</b>	Edward Fleming, Atty 85 Clay Street Quincy, MA 02170	<b>Site Address:</b>	0-50 Commercial St
		<b>Sheet:</b>	20
		<b>Block:</b>	202
		<b>Lot:</b>	20,19,17,13

**Zoning District: B-2, Village Center Overlay District**

Board of Zoning Appeals application filed on January 11, 2019.

After a public hearing on February 13, 2019, and advertised in the Weymouth News on January 30, and February 6, 2019, the Board of Zoning Appeals at its meeting of February 13, 2019

VOTED TO GRANT A SPECIAL PERMIT under Section 120-25.3 (Special Permit Parking and multi-family building in excess of 19 units) in accordance with Section 120-122 of the Weymouth Zoning Ordinance and;

VOTED TO GRANT VARIANCES under Weymouth Zoning Ordinance Sections 120-25.7, Required Parking, 120-25.10 Required Landscaping, 120-25.5 Intensity of Use (height)

The above relief permits the applicant to construct a mixed use building on the site consisting of 87 residential units, +/- 7,500 square feet of commercial space per plan entitled "Site Development For Brookpoint, Weymouth, Massachusetts" by Allen and Major Associates, dated January 11, 2019. The project includes 92 off-street parking spaces.

**GENERAL FINDINGS:**

The Board found that requirements for the requested variances were met. This is a corner lot bordered by two public roadways, an active smelt brook and a municipal parking lot. Development of the lot is also restricted by its topography and by several public easements. A similar plan with the same number of units and total parking spaces had previously been approved by the Board of Zoning Appeals in April of 2017. Those approvals subsequently expired.

## " SPECIAL PERMIT FINDINGS:

1. The specific site is an appropriate location for such a use. *The project was previously approved by the Board and is in compliance with the intent of the Village Center Overlay District.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The project is in keeping with other mixed-use projects in Weymouth Landing.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *Eliminating the ingress/egress onto Commercial Street as per the original plan, is a much safer alternative. The applicant will work with Town staff to ensure a pedestrian connection is provided between the applicant's parking lot and the future Smelt Brook public walkway.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The applicant will continue to work with DPW to resolve open items identified in the Town Engineer's memo dated February 6, 2019.*
5. That the public convenience and welfare will be substantially served with the proposal. *The project will fill a vacant and blighted property along an important gateway corridor. The project will bring additional tax revenues to the Town and potentially stimulate future growth.*

## VARIANCE FINDINGS:

1. The height variance is justified as the footprint is limited due to a 96" Army Corps easement traversing the property. Also, this proposal is a step down in height from the adjacent Landing 53 project. The architects have also employed a "step down" approach on with their project with the project going from 5 stories where it abuts Landing 53 to 4 stories along Commercial Street.
2. A parking variance of 25 spaces can be granted as the project abuts a public parking lot and on street parking is available.
3. A variance from the required landscaping can be granted as the applicant has granted a permanent easement to the Town so that the Town may construct a public walkway along the Smelt Brook thereby adding to the overall aesthetic of the area.

## CONDITIONS:

1. Applicant will provide a direct pedestrian access from the parking lot to the Smelt Brook pedestrian walkway.
2. Applicant will provide an easement to the Town so that the Town may daylight a portion of the brook bordering the property including a sidewalk and open space as required by the Greenbush mitigation agreement.
3. A Construction Management Plan will be submitted to the Town for review prior to the start of construction to address traffic and construction staging concerns. The plan will be reviewed by all impacted departments.
4. The lead contractor will coordinate a kick-off meeting with residents to provide information on scheduling and traffic disruptions. Progress update meetings will be scheduled as necessary.

5. A plan to fence and otherwise screen the covered parking area facing the Sacred Heart property will be submitted to the Office of Planning and Community Development for approval.
6. A lighting plan will be submitted to the Office of Planning and Community Development. Plan will include location and design details of all proposed lighting standards.
7. Applicant will propose design enhancements to the blank wall along back of the main building to include windows or other architectural enhancements.

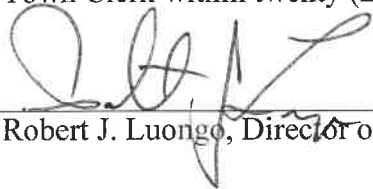
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

**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. 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 February 26, 2019

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.



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Robert J. Luongo, Director of Planning and Community Development

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

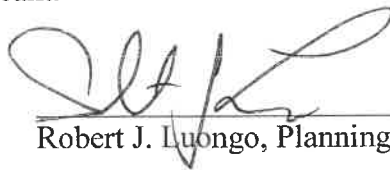
**BOARD OF APPEALS**

February 26, 2019

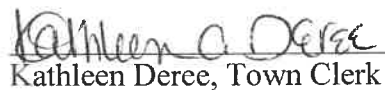
Certificate of Granting of Variance or Special Permit  
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance and/or Special Permit has been granted GND Realty Trust, 96 Ridge Street, Winchester, MA 01890, affecting the rights of the owner with respect to land or buildings at 0-50 Commercial Street, Weymouth, MA, also shown on the Weymouth Town Atlas Sheet 20, Block 202, Lots 13, 17, 19, 20, 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 # 3374

Date of Hearing: 2/13/2019