

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
0 FRONT ST & 59 WASHINGTON ST**

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

Owner:	Gordon S. McGinnis	Date:	March 22, 2017
Address:	PO BOX 914 11 Camelot Way Dennis, MA 02638		
Applicant:	Zero Front Street, LLC	Case #:	3319
Address:	The Heritage Companies 70 Quincy Avenue Quincy, MA 02169		
Representative:	Edward Fleming, Atty 85 Clay Street Quincy, MA 02170	Site Address:	0 Front St
		Sheet:	20
		Block:	277
		Lot:	1, 23

Zoning District: B-2

Board of Zoning Appeals application filed on January 9, 2017.

After a public hearings on March 1, 2017 and March 16, 2017, and as advertised in the Weymouth News on January 11, and January 18, 2017, the Board of Zoning Appeals at its meeting of March 16, 2017

VOTED TO GRANT VARIANCES under Weymouth Zoning Ordinance Section 120-25.5 (Intensity of Use); Section 120-25.7 and 120-25.9 (Parking) and Section 120-25.10 (Landscaping) to grant relief for the petitioner to rehabilitate the existing commercial building at 59 Washington Street and convert the second floor office space into two residential units and to construct a new three (3) story residential building with two (2) levels of parking and 21 residential units. The first floor parking on grade level will be available for shared use for the restaurant to ensure not less than 17 spaces per earlier BZA approval. The approved Site Plan is dated January 9 and is entitled "Site Plans for Zero Front Street Mixed-Use Redevelopment", prepared by EBI Consulting.

VOTED TO SPECIAL PERMITS under Weymouth Zoning Ordinance Section 120-40 (Alteration of a Non-conforming Structure) and Section 120-25.3 for a building with 20 units or more.

FINDINGS:

The Board voted to approve the request for variances owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. The Board recognized the long and narrow shape of this lot as a unique

hindrance to development and further noted that the topography of the lot featured a steep slope at the rear of the lot and unfavorable soil conditions.

The Board additionally found that the request for Special Permits were justified as:

1. The specific site is an appropriate location for such a use.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

CONDITIONS:

1. Applicant will work with the Town's Traffic Engineer and Weymouth Police Department to install appropriate signage, which may include a "No Parking" designation, to control Front Street parking from the Washington Street intersection to the project South driveway.
2. Adequate safety mechanisms consisting of mirrors and flashing lights to be installed where proposed ingress/egress points intersecting with sidewalk along Front Street. Audible warning signals will not be permitted. Safety plan to be reviewed and approved by the Town Traffic Engineer and the Weymouth Police Department.
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 twice monthly meetings with residents to provide progress updates and to alert residents to upcoming traffic disruptions.
5. A screening plan for the proposed transformer box on Front Street will be submitted to the Director of Planning and Community Development for review and approval.
6. Occupation of any portion of Front Street, including sidewalk, will require prior notification of the Police and Fire Departments and for traveled way occupation, a detail at the applicant's expense. A traffic management plan, including appropriate signs, barriers, barricades, etc., shall be submitted to the Town Traffic Engineer for approval.
7. The 4' fence on top of the retaining wall at the southerly end of the property should be deleted or made visually porous within 30' of the back of the Front Street sidewalk for South Driveway sight distance (especially sidewalk).
8. Plan Sheet A1.2: Parking space #1 should be restricted to compact car parking, as a full size vehicle would have difficulty maneuvering in or out.
9. Mitigation contribution of \$20,000 will be made for necessary signalization improvements at the Washington and Broad Street intersection.
10. Use of any large construction vehicles will be limited to after 9:00 AM
11. Owner will install pet disposal station.

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 **March 22, 2017**

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, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS
WEYMOUTH
BOARD OF APPEALS

March 22, 2017

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 to Michael Kiley, Zero Front Street, LLC, 70 Quincy Avenue, Quincy, MA 02169, affecting the rights of the owner with respect to land or buildings at 0 Front Street and 59 Washington Street, also shown on the Weymouth Town Atlas Sheet 20, Block 277, Lots 1 & 23, 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 # 3319

Date of Hearing: 3/01/2017, 3/16/2017

