

*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

July 24, 2018

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 June 27, 2018 on APPLICATION OF: Chris DiMambro, Case # 3356.

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 ON SPECIAL PERMIT**

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

**Owner:** Chris DiMambro  
**Address:** c/o LT&E Properties, LLC  
1400 Main Street  
Weymouth, MA 02190

**Date:** July 3, 2018

**Applicant:** LT&E Properties, LLC  
**Address:** 1400 Main Street  
Weymouth, MA 02190

**Case #:** 3356

**Representative:** Jeff Tocchio  
Drohan, Tocchio and Morgan PC  
175 Derby Street  
Hingham, MA 02043

**Site Address:** 1400, 1404, 1414, 1428  
& 1430 Main Street.

**Map:** 57  
**Block:** 626  
**Lots:** 11, 12, 10, 3, 9

**Zoning District:** Highway Transition (HT) &  
Commercial Corridor Overlay (CCOD)

**RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE**

**2018 JUL -3 AM 9:38**

Presently the property consists of 5 contiguous lots, totaling ~126,324 SF (~2.9 acres), with an existing restaurant, a former mixed use structure, a single family residence, a former service station/repair shop, and a single family residence with attached garage. The petitioner seeks relief to consolidate the 5 lots into one lot, to demolish all structures and construct one 5+ story mixed use building with 153 residential units and ~7,000 SF of retail/commercial space, 115 garaged parking spaces and 85 exterior parking spaces.

Petitioner is seeking a Special Permit under 120-25.15B (1) a mixed-use proposal consisting of both a residential and a nonresidential use with the ground floor of the building reserved for retail and/or office use.

After a public hearing opened on June 6, 2018 and continued on June 27, 2018, the Board of Zoning Appeals (the "Board") at its meeting on June 27, 2018 on a motion duly made and seconded:

**VOTED 5-0 TO GRANT THE REQUESTED SPECIAL PERMIT** by Board members Richard M. McLeod, Chairman, Kemal A. Denizkurt, Edward Foley, Brandon Diem and Jonathan Moriarty voting in favor to grant the requested Special Permit and to approve the 153-unit residential building with approximately 7,000 square feet of commercial space based upon the following findings of fact and the plans of record, said plans entitled *Site Development Plans for Colony Station* with revision date 6/4/2018.

**FINDINGS:**

1. **The specific site is an appropriate location for such a use.** The site is located on Route 18 and is bordered by MBTA tracks to the rear, a MDOT detention facility to the north, an

MBTA parking lot to the south. These factors support the height and density proposed as it does not abut established residential development.

**2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.** Both residential and commercial uses are appropriate for the Route 18 corridor. Additionally, the proposal incorporates many of the design and architectural recommendations expressed throughout the CCOD.

**3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.** A comprehensive traffic study was conducted and reviewed by the Town's Traffic Engineer. The study indicates only a small net increase from baseline traffic. A full presentation was made to the Board elaborating on these findings as well as demonstrating that the three nearby intersections will continue to operate at a sufficient level after the Route 18 widening is complete. Also, the developer intends to create a pedestrian access to the adjacent MBTA lot.

**4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.** Four electric vehicle charging stations are to be installed on site as well as adequate bike racks as required in Section 120-25.21 of the Commercial Corridor Overlay District. A swimming pool will also be constructed as a site amenity.

The applicant has worked in cooperation with the Town's Engineering Department to ensure that adequate storm water measures have been provided and that utilities proposed are sufficient to serve the site. The proposal will significantly improve what currently exists and will serve to better protect the adjacent wetland resource. The applicant has agreed to sufficiently screen all utility boxes including gas main meter boxes.

**5. That the public convenience and welfare will be substantially served with the proposal.** The proposal will clean-up and beautify five contiguous lots in need of maintenance. This clean-up will include substantial improvements to the wetland resource area located at the rear of the site. The wetland area has not been maintained in the past and does not function properly as a result. This project will mitigate the current condition and ensure the future maintenance in conjunction with the MBTA.

The proposal creates 153 new residential units and 7,000 square feet of retail within easy access to both the MBTA Commuter Rail and Route 18. The project will substantially add to the Town's tax base.

#### **CONDITIONS:**

1. A Snow Removal Plan shall be submitted to the Office of Planning and Community Development for review and approval.
2. The applicant will act in good faith to negotiate an agreement with the MBTA to create a pedestrian access from the development to the MBTA parking lot.
3. Trash pickup will be limited to the hours of 8AM and 8PM. All trash receptacles will be screened as illustrated on the plans.
4. Internal parking spaces #77 and #78 will be marked as "Compact Vehicles Only".
5. Remaining Engineering and Conservation comments will be addressed and an Order of Conditions will be issued by the Conservation Commission prior to construction.
6. Only two (2) curb cuts will be permitted to access the site.
7. During the construction period of the project, MassDOT is scheduled to widen Route 18 and install new sidewalks in front of the site. In order to expedite their project, the developer intends to construct the sidewalks themselves if MassDOT's schedule threatens a delay.

If the developer does construct the approximately 500 linear feet of sidewalk on Mass DOT's behalf, the developer agrees to assist the Town in petitioning MassDOT to provide

500 linear feet of sidewalk in another area in proximity to the site. Alternatively, should MassDot complete the sidewalk work in front of the site rather than the developer, the developer has agreed to fund construction of an additional 500 linear feet of sidewalk in close proximity to the site with the cooperation of the Office of Planning and Community Development and the District 6 Councilor.

8. All landscape areas shall be irrigated. All dumpsters, ground utilities, and roof utilities will be screened.

Under MGL Chapter 40A, Section 11, the approval of the Zoning Board of Appeals will not take effect until the petitioner records, at his or her expense, a copy of this Decision with the Norfolk County Registry of Deeds. The rights authorized by this Special Permit must commence no later than 24 months from the grant hereof.

**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 County 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 July 3, 2018.

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 Town Clerk within twenty (20) days after the filing of the decision with the Town Clerk.



Robert Luongo, Director of Planning and Community Development

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

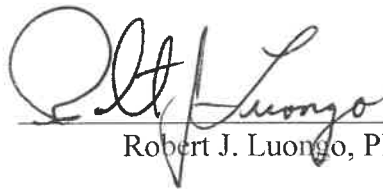
**BOARD OF APPEALS**

July 3, 2018

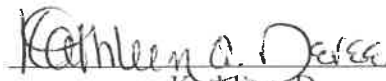
Certificate of Granting of Variance or Special Permit  
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the town of Weymouth hereby certifies that a Variance or Special Permit has been granted to LT&E Properties, LLC, 1400 Main Street, Weymouth, MA 021890, affecting the rights of the owner with respect to land or buildings at 1400, 1404, 1414, 1420, 1430 Main Street, also shown on the Weymouth Town Atlas Sheet 57, Block 626, Lot 11, 12, 10, 3 and 9 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 # 3356

Date of Hearing: 6/6/2018, 6/27/2018