

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

TO BE COMPLETED BY STAFF

Town Clerk Stamp

Case Number: _____

Submittal Accepted: _____ Date _____
Signature of Planning Dept. Staff for minimal requirements

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

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: Senior Living Facility - 1431-1449 Main Street (w/ deeded easement rights at 1427 Main)

Assessor's Map Sheet, Block, & Lot: Map #57, Block #624, Lots #12, 29, 30, 31 & 32 & 13 (as to deeded easement rights)

Zoning District: Highway Transition (HT) & Residence R-1 Overlay District: Commercial Corridor Overlay District
Ryder Development Corp.

OWNER OF RECORD (S) (print&sign): (owner of 1431, 1433, 1435, 1437 Main Street) *[Signature]*
(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: 847 Washington Street, Weymouth, MA 02189

Norfolk County Registry of Deeds Book and Page No. Book 24275, Page 431

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print&sign): Atlantic Development *[Signature]*

Applicant's Address: 62 Derby Street, Hingham, MA 02043

Contact Information: Email djm@atlanticdevelopment.com Phone 781-741-5005

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

NAME & AFFILIATION OF REPRESENTATIVE: Frank Marinelli - Frank Marinelli Law

Address: 439 Washington Street, Braintree, MA 02184

Contact Information: Email frank@fmarinellilaw.com Phone 781-849-0400

NAME OF ENGINEER AND / OR ARCHITECT: Joshua G. Swerling - Bohler

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.

[Signature] Donald Mockiano - 12/15/20
Applicant / Petitioner - Date (sign & print)

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Assessor's Map Sheet, Block, & Lot: Map #57, Block #624, Lots #12, 29, 30, 31 & 32 & 13 (as to deeded easement rights)

Zoning District: Highway Transition (HT) & Residence R1 Overlay District: Commercial Corridor Overlay District
1449 Main Street Realty Trust

OWNER OF RECORD (S) (print&sign): (owner of 1449 Main Street) Carol Cleary
(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: 14 Shady Lane, South Weymouth, MA 02190

Norfolk County Registry of Deeds Book and Page No. Book 7418, Page 169

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print&sign): Atlantic Development

Applicant's Address: 62 Derby Street, Hingham, MA 02043

Contact Information: Email djm@atlanticdevelopment.com Phone 781-741-5005

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

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Donald Mockian 12/15/20
Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: X Special Permit Variance Amendment Other:

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

Per Section 120-25.15 of the Weymouth Zoning Code, a Special Permit is required for work within the
Commercial Corridor Overlay District (CCOD)

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 existing site is comprised of multiple buildings, paved parking areas, landscaped areas as well as various site amenities such as miniature golf and playground equipment.

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

Demolish the existing site structures and construct a new senior living facility along with associated paved parking areas, landscaped areas, utilities, and stormwater management components as shown the the enclosed Site Plans prepared by Bohler.

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).

A Special Permit is being requested for the proposed senior living facility use per section 120-25.15 of the Weymouth Zoning Code.

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).

The applicant is not aware of any previous approvals received on the subject site.

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

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.)	REFER TO BOHLER SITE LAYOUT PLAN (SHEET C-301) FOR THIS INFORMATION		
Dwelling Units			
Frontage (ft.)			
Lot Width (ft.)			
Front Yard Setback (ft.)			
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)			
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)			
Height (ft.) & # of Stories			
Lot Coverage			
Off-Street Parking Spaces			
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
Signage			
Other:			

***Refer to Zoning Analysis Table on Sheet C-301 of the Proposed Site Plan Documents for the above requested information**

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.

Refer to the attachment entitled "SPECIAL PERMIT (COMMERCIAL CORRIDOR OVERLAY DISTRICT) FINDINGS" enclosed as part of the this submission.

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.
3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.
4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.
5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

SPECIAL PERMIT (COMMERCIAL CORRIDOR OVERLAY DISTRICT) FINDINGS

Pursuant to Section 120-122(D)(1)-(5), Weymouth Zoning Ordinances (“WZO”), and such other applicable provisions of the WZO:

1. The Specific Site is an Appropriate Location for Such Use.

The Site is an appropriate location for Weymouth Senior Living - a redevelopment of obsolete or underutilized properties - which will introduce much-needed senior housing, specifically, 94 independent senior living residences, 45 assisted living senior residences and 26 memory care senior residences with related features (the “Proposed Redevelopment”). The Site is located in the Commercial Corridor Overlay District (“CCOD”). The Site is bordered on three (3) sides (north, south and east) by commercial properties/uses. To the east is the improved commercial corridor of Route 18 with the vast South Weymouth commuter rail parking lot located across Main Street from the Site. Further east is the commuter rail platform and hundreds of residential units located in Union Pointe. Also bordering Route 18 (Main Street), southeast of the Site, is a Public Storage facility, Uncle Charlies diner, a CVS store, Papa Ginos, South Shore Bank and a newly constructed 237-residential apartment development (1500 Main – Corcoran) located in the CCOD. To the northeast is the newly-approved (under construction) multi-story Colony Station apartment residences (Aeronaut) and commercial space. North of the Site are: Jiffy Lube, Safelite Auto Glass and South Coastal Animal Health commercial facilities. To the south is a Shell gas station/repair shop, Pride Uniform and Associated Dental Group commercial properties. To the west are rear yard portions of various homes that front on Pond Street. The underlying zoning of the Site is a combination of Highway Transition (HT) and R-1. Under “purpose and intent” of the CCOD (sec. 120-25.14, WZO) parcels in the CCOD are subject to the requirements of the CCOD at the applicant’s option. Purpose(s) of the CCOD (sec. 120.25.14, WZO) include promoting economic development and use of basic urban design standards, providing a range of compatible residential and commercial uses, all of which Weymouth Senior Living accomplishes; and redevelopment of underutilized or obsolete commercial properties, which the Proposed Redevelopment also accomplishes. CCOD purposes include encouraging redevelopment of building lots along the CCOD portions of Route 18 (Main Street), consolidation of smaller lots and reduction of curb cuts, all of which the Proposed Redevelopment accomplishes. The Proposed Redevelopment consolidates five (5) current lots into a single 2.76-acre site with appurtenant easement rights on a contiguous northerly parcel. CCOD purposes include providing flexibility with regard to dimensional requirements. Per the filed Bohler Engineering plans, the Proposed Redevelopment complies with the dimensional and density requirements and FAR of the CCOD. Weymouth Senior Living fulfills the purpose of incorporating “residential” together with commercial service, which are provided in the health services and other services available to residents of senior “assisted” living, senior memory care and the Proposed Redevelopment. The design and layout of Weymouth Senior Living is esthetic and appropriate including transition from an easterly-facing elevation of four (4) to five (5) stories fronting on the Route 18 commercial corridor to just three (3) stories (memory care location) bordering portions of residential rear yards to the west. Weymouth Senior Living has amenities such as outdoor garden/patio space and landscaping. Proposed parking is 118 parking spaces, in excess of the recommended 90 parking spaces (see Parking Supply Study dated October 26, 2020, Ron Mueller & Associates, Traffic Engineers). The Building Commissioner has determined under 120-74(R) that parking complies and is adequate for the proposed use (See letter dated December 10, 2020 of Jeffrey Richards, Building Commissioner). There is no significant vehicle trip impact associated with the Proposed Redevelopment. The existing road network is sufficient to handle vehicle trips associated with the Proposed Redevelopment. See Traffic Assessment dated November 30, 2020 of Ron Muller & Associates. In summary, there has been considerable public investment in, and improvement to, the Route 18 (Main Street) commercial corridor to encourage redevelopment in and around the commercial (Route 18) corridor and South Weymouth commuter rail. Senior housing is an essential

component of a Town's housing options, and the Site is an appropriate location for the Weymouth Senior Housing use in the CCOD.

2. The Use involved will not be detrimental to the established or future character of the neighborhood or Town.

Paragraph 1 above is incorporated herein by reference. The Proposed Redevelopment is consistent with the purposes of CCOD. The Development incorporates residential, previously limited in the underlying HT zone. The Proposed Redevelopment is a substantial improvement to the character of the neighborhood by replacing old, vacant and/or unattractive buildings with an attractive Weymouth Senior Living building and related features, appropriate for the Site and Route 18 commercial corridor, proximate to commuter rail and other services. The Proposed Redevelopment in the CCOD will not be detrimental to the character of the neighborhood or Town, but represents an improvement and the provision of much-needed senior living.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

Paragraphs 1 and 2 above are incorporated herein by reference. The Proposed Redevelopment's Traffic Assessment dated November 30, 2020, prepared by Ron Muller & Associates, Traffic Engineers, demonstrates that the Proposed Redevelopment can be accommodated within the confines of the existing transportation infrastructure in a safe and efficient manner. The filed Bohler Engineering plans show the asphalt sidewalks and granite curbing that were installed as part of the Route 18 improvements. The Proposed Redevelopment will provide crosswalks at the Site drives as shown on the filed Bohler plans. As set forth in the Muller Traffic Assessment (pages 9-10): "Since the site is currently occupied by a variety of uses and generating traffic, the redevelopment project is expected to result in a net decrease in traffic generation between the existing and proposed land uses. During the weekday peak hours, between 31 and 33 fewer trips can be expected...Redevelopment of the site will result in a reduction in the number of curb cuts on Main Street. The existing driveway to the multi-family housing buildings will be closed and the existing northern and southern driveways will be modified to accommodate the proposed development..." Again, consolidating five (5) smaller lots into the current Site and reducing curb cuts to/from Route 18 are consistent with purposes of the CCOD. The Proposed Redevelopment does not cause any nuisance or serious hazard to vehicles or pedestrians, but instead, presents improvement (reduced vehicle trips and/or peak hour trips, reduced curb cuts, consolidation of five (5) smaller lots).

4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Paragraphs 1-3 above are incorporated herein by reference. The Proposed Redevelopment – Weymouth Senior Living - will be operated by an experienced senior living company. The Proposed Redevelopment will have the appropriate services available for its assisted living senior residents (45), memory care senior residents (26) and independent living senior residents (96). The Proposed Redevelopment will have new residential units and common areas in compliance with all life safety codes and visually appealing to its residents, employees and visitors with thoughtful design and amenity space including an independent living garden and memory care garden as shown on the filed Bohler Engineering plans.

5. The public convenience and welfare will be substantially served.

Paragraphs 1-4 are incorporated herein by reference. The public convenience and welfare will be substantially served by the Proposed Redevelopment including as follows: (1) The Proposed Redevelopment provides much-needed senior living residences (independent living, assisted living and memory care); (2) the Proposed Redevelopment (residences with related services) has an appropriate layout at an appropriate Site in the CCOD. The Proposed Redevelopment fulfills purposes of the

Commercial Corridor Overlay District; and (3) the Proposed Redevelopment replaces obsolete uses, consolidates five (5) smaller lots, reduces curb cuts, provides much-needed senior living options and provides positive real estate tax revenue to the Town of Weymouth each year.