

TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

2019 JUN 4 PM 3:07

TO BE COMPLETED BY STAFF

Case Number: 3391

Submittal Accepted: [Signature]

Signature of Planning Dept. Staff for minimal requirements

Date 6/4/19

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: 330 Pond Street

Assessor's Map Sheet, Block, & Lot: Map 57, Block 592, Lot 13

Zoning District: R-1

Overlay District: _____

OWNER OF RECORD (S) (print & sign): Pond Plain Improvement Association

(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: 330 Pond Street, Weymouth, MA 02190

Norfolk County Registry of Deeds Book and Page No. Bk. 1227 Pg. 388-389

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Pond Plain Improvement Association

Applicant's Address: 330 Pond Street, Weymouth

Contact Information: Email _____

Phone _____

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Tim Barry, President Pond Plain Improvement Association

Contact Information: Email tbarry3076@aol.com

Phone 781-985-5666

NAME OF ENGINEER AND / OR ARCHITECT: Hardy + Man Design Group, P.C.

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.

MAY 30, 2019
Applicant / Petitioner - Date (sign & print)

Tim Barry President PPIA

NATURE OF REQUEST

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

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

Section 120-40 - Extension or change by Special Permit

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 current use is the Pond Plain Improvement Association community center and function hall. The space has current occupancy for 120 people in an existing (approximately) 2,500 square foot building. There is additional community and storage space in the basement that is under renovation to modernize and make accessible.

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

The current basement renovation (to modernize and make accessible) will allow the formal occupancy to be 180 people. The proposal also includes expanding and paving the parking lot to accommodate user's vehicles without parking on adjacent streets, as is currently done.

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).

The site was built in 1930 and has remained in use, excepting reconstruction period, since that time. The site and use pre-date zoning. However, the use is allowed under section 120-40 Extension or change by special permit.

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).

Building Permits (building and upstairs) issued #64042 on 5/12/14, #63671 on 2/7/14, #65430 on 4/10/15, #66150 on 8/12/15
Certificate of occupancy #A3-6622 on 7/1/16
Building permit (downstairs) #76868 on 2/15/19

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		function hall	Same
Lot Area / Size (Sq. Ft.)		39,200	39,200
Dwelling Units			
Frontage (ft.)		183.5	183.5
Lot Width (ft.)		183.5	183.5
Front Yard Setback (ft.)	18	74.5	74.5
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	10	27.1	27.1
Side Yard Setback (ft.)	10	86.5	86.5
Rear Yard Setback (ft.)	24	69.0	69.0
Height (ft.) & # of Stories	2.5	1	1
Lot Coverage	30%	7.3	7.3
Off-Street Parking Spaces	1/5 seats=36	19	50
Off-Street Loading Spaces		0	0
Parking Setback	18' (front)	31.8'	20.9'
Accessory Structure Setback		n/a	n/a
Landscaping			
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.

Yes, the Pond Plain hall has been at the location since 1926 and has served as a meeting and function hall for all of that time. No change in use is planned.

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

No, the Pond Plain hall has been in the neighborhood since 1926, serving as a meeting and function hall for all of that time. No change in use is planned.

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

The Pond Plain hall has served as a meeting and function hall for over 90 years. During that time, the potential for serious hazard to vehicles or pedestrians has been no more than other locations on Pond Street. To the best of our knowledge, there has been no serious incidents to pedestrians or vehicles utilizing Pond Plain or as a result of others utilizing Pond Plain. The Pond Plain board has been willing to work with, and has in fact worked with neighbors to minimize the potential for nuisance and addressed issues of concern.

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

Yes, the Pond Plain hall has the facility and utilities for the proper operation of the hall as a meeting and function hall. Pond Plain is seeking to expand the parking area to accommodate people using the hall who would normally park on side streets. This effect will help to minimize the potential for serious hazard to pedestrians crossing Pond Street to use the hall.

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

Yes, the expanded parking will reduce, if not eliminate, on street parking on the surrounding streets of Pond Plain. This will allow full street access to neighbors, reduce line of sight issues from poorly parked vehicles and reduce the number of pedestrians who would have to cross Pond Street, a busy road, to access the Pond Plain hall from their parked vehicle.

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 site is an existing non-conforming use. The site is currently a function hall & community center in a Residential -1 Zone.

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

The structure was built in 1930 , according to assessor's records, and has been in use (excepting construction) since that time.

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 existing site and use pre-date zoning.

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

The site is a pre-existing non-conforming use. The proposal is to expand the parking area in an effort to accommodate vehicles that currently use the site, but park on adjacent roadways due to lack of space.

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 site currently has approximately 19 (unmarked) parking spaces. The proposal is to provide 50 parking spaces, including two ADA parking spaces.

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 proposal is to expand the existing parking lot to accommodate the number of vehicles that typically utilize the existing non-conforming use. This will reduce or eliminate the occurrence of vehicles parking on the adjacent roadways and lessen the impact to neighboring properties and roadways.

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.

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.

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.

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.

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.