

**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:** 60 Winter Street

Assessor's Map Sheet, Block, & Lot: 29-375-30

Zoning District: Business B-1; Overlay District: Watershed & Groundwater

**OWNER OF RECORD (S)** (print & sign): Sixty Winter Street LLC *[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: 885 Washington Street Weymouth MA 02189

Norfolk County Registry of Deeds Book and Page No. Book 11329 Page 337

Or registered in Land Registration Office under Certificate No. \_\_\_\_\_

**NAME OF APPLICANT (S)** (print & sign): South Shore Hospital, Inc

Applicant's Address: c/o Elizabeth Bahnuk 55 Fogg Road Weymouth MA 02190

Contact Information: Email ebahnuk@southshorehealth.org Phone 781-624-8708

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

**NAME & AFFILIATION OF REPRESENTATIVE:**

Address: David A. Kelly, Esq 35 Braintree Hill Office Park # 103 Braintree MA 02184 \*\*

Contact Information: Email davidkellyesq@comcast.net Phone 781-848-6800

**NAME OF ENGINEER AND / OR ARCHITECT:** Tera Tech- Rick Alfonso, Glenn Dougherty & Bill Phelps, JACA Architects, RW Sullivan

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]* 12/16/20 Elizabeth Bahnuk, 55 Fogg Road, Weymouth MA 02190  
Applicant / Petitioner - Date (sign & print)

\*\* Address of January 1, 2021

## NATURE OF REQUEST

Application is for: xxxx Special Permit \_\_\_\_\_ Variance \_\_\_\_\_ Other: \_\_\_\_\_

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

Article III VII — Business B-1 District Special Permit Section 120-24 D —dispatching establishment

Article III A Watershed Protection District Section 120-10.3D by Special Permit in B-1 Zoning District Site

Article III B Groundwater Protection District

*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):

Lot area of the site is 3.13 acres ( 136,428 sq ft) improved by a 1 story and 2 story concrete block building of 36,952 sq ft. . The western portion of the 1 story building is occupied by a retail uniform establishment of 7246 sq ft and the eastern portion is a vacant retail establishment of 7484 sq ft formerly Ann and Hope Curtain and Bath. The rear 2 story building is currently storage warehouse of 20,000 sq ft and not part of Applicant's use or lease.. Historic site use commencing in 1962 was by Microsonics Corporation an electronic component manufacturer.

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

South Shore Hospital seeks to use the front 1 story building of 15,000 sq ft the site for its Emergency Medical Service ( EMS) ambulance facility for dispatch and operations. Since 2018, South Shore Hospital has provided EMS ambulance service as the Town of Weymouth ambulance provider. The existing retail space will be administrative and dispatch operational space and garage facility for 16 ambulances and 3 SUV vehicles. All construction is interior no increase to building area. See attached Executive Summary for additional detail.

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).

Zoning District Business B-1 Section 120-24 D Special Permit Uses " dispatching establishment". Use allowed by Special Permit. Section 120-122 D Special Permit Criteria.  
Watershed Protection Overlay District Article III A Section 120-10.3 Permitted by Special Permit in B-1 District.  
Groundwater Protection Overlay District Article III B not a prohibited use Section 120-10.7 See attached Legal Memorandum for additional detail.

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).

October 29, 1996 Case # 2362 BZA Decision Recorded Book 11329 Pg 337  
Grant Special Permit Section 120-24 D for 20,000 sq ft Warehouse facility in B-1 Business District and Watershed Protection and Ground Water Protection Overlay Districts

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

See attached Executive Summary and other attachments to Application

**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		Retail	Dispatch Establishment
Lot Area / Size (Sq. Ft.)			
Dwelling Units		n/a	n/a
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:			

NO ZONING COMPUTATIONAL CHANGE FROM EXISTING  
CHANGE USE ONLY

## 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.

The Weymouth BZA determined that an ambulance facility use is a "dispatch" establishment in Case # 3257 in July 2015 within a B-1/ R-1 zone at 25 Main Street conversion of a former auto dealership to ambulance service. Winter Street is a B-1 District connecting Middle Street and Main Street with access to Route 3 Expressway.

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

The proposed use is consistent with existing character of the Winter Street. The Winter Street site abuts the Weymouth DPW operational and storage facility and near the Weymouth Police Department. The historic use was electronic manufacturing and the current use retail and warehouse. The proposed use is consistent with the mixed uses on Winter Street.

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

The proposed use will not alter the existing ingress or egress to the site. The trip generation of the EMS dispatch at Winter Street is expected to be 14 trips per day. Ambulances deploy at 7AM on a staggered basis and return to garage on a staggered basis starting at 6 PM. As an emergency service, the EMS is provided at all times. No hazard or nuisance to vehicles or pedestrians See attached Executive Summary for additional detail.

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

The proposed use will provide adequate facilities as an improved interior space for staff and a conference room and garage to change of use from retail to dispatch establishment. The proposed use will require a oil and gas separator to accept and treat precipitation and snow melt runoff from interior floor drains prior to discharge to municipal sewer system. See attached detail.

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

South Shore Hospital has provided EMS services since 1992 and has served as the Town of Weymouth EMS provider since 2018. The proposed use improves the access to EMS services and ambulance transport. The ambulance service substantially serves public welfare. See Executive Summary for more detail.

## 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):

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

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.

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

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

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:

## VARIANCE APPLICATION

To be completed for Variance applications only.

NO VARIANCE REQUESTED

### 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.