

2020 JAN 28 PM 3:16

TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

TO BE COMPLETED BY STAFF

Case Number: # 3409

Town Clerk Stamp

Submittal Accepted:

Signature of Planning Dept. Staff for minimal requirements

Date 1/29/20

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: 88 Pleasant Street

Assessor's Map Sheet, Block, & Lot: 45-518-26 (45-518-18 22 Fogg Rd)

Zoning District: B2, R1 (MSD)

Overlay District: Watershed Protection

OWNER OF RECORD (S) (print & sign): 88 Pleasant Street, LLC.

(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: 613 Main Street, Hingham, MA 02043

Norfolk County Registry of Deeds Book and Page No.

Or registered in Land Registration Office under Certificate No. 199552

NAME OF APPLICANT (S) (print & sign): 88 Pleasant Street, LLC.

Applicant's Address: 613 Main Street, Hingham, MA 02043

Contact Information: Email hugh@bradymac.com

Phone 617-212-1048

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address:

Contact Information: Email

Phone

NAME OF ENGINEER AND / OR ARCHITECT: EMBR Architects, LLC.

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.

Applicant / Petitioner - Date (sign & print)

HUGH McLAUGHLIN

01/28/20

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 - Change of use from Bank to Office building
- Section 120-74 Minimum required parking spaces - Existing off-street parking does not meet the minimum required spaces

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):

Located on the lot is a 2 story, 9,904 S.F. bank building with basement storage. Off-street parking consists of 26 marked spaces. An adjacent separate lot (22 Fogg Road) with 4 parking spots and a driveway for an ATM (ATM structure has been removed).

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

Applicant proposes to renovate the existing building including interior demolition and reconstruction. Construct office suites, provide accessible ramp and entrance, including an elevator at the rear of the building.

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).

ARTICLE VIII
Business District B-2
§ 120-26 Permitted uses. Part A

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).

No

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

22 Fogg Road is a separate lot that will no longer be used with the 88 Pleasant St. lot

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		Bank	Office building
Lot Area / Size (Sq. Ft.)		25,656	No Change
Dwelling Units	0	0	0
Frontage (ft.)	None	106.30'	No Change
Lot Width (ft.)	None	107'	No Change
Front Yard Setback (ft.)	None	23.47'	No Change
Front Yard Setback (ft.) – corner lots	N/A	N/A	
Side Yard Setback (ft.)	None	0.4'	No Change
Side Yard Setback (ft.)	None	19'	No Change
Rear Yard Setback (ft.)	None	157'	No Change
Height (ft.) & # of Stories	80', 6 stories	22', 2 stories	No Change
Lot Coverage	None		
Off-Street Parking Spaces	50	26	28
Off-Street Loading Spaces	None	None	No Change
Parking Setback	0'	0'	No Change
Accessory Structure Setback	N/A	N/A	N/A
Landscaping			
Floor Area Ratio	N/A	N/A	N/A
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.

The site is zoned for B-2, business use. Office buildings are a permitted use within the B-2 district. The area along Pleasant St. adjacent to the site is also zoned B-2, w/ current existing business uses.

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

The building is an existing 2 story brick building similar to buildings in the neighborhood on the opposite side of Pleasant Street and on adjacent properties.

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

The site has off-street parking with an entrance from Pleasant Street (no exit to Pleasant St.) and an entrance and exit from and to Fogg Road. The parking area provides adequate turning and maneuvering space for vehicles including clear access for trash removal.

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

Yes, adequate appropriate facilities will be provided for the building.

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

The project will add office space to the area, adding centralized convenience to the public who are shopping, and working in the area. Creating usable office space within walking distance of other businesses in the area.

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 structure does not have a dimensional nonconformity.

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

Not applicable

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.

Yes

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

Change of use from bank to office building. Office building is a permitted use within the current Zoning Ordinance district B-2.

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

26 existing parking spaces, 28 proposed 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 change to an office building is a permitted use and is a similar use to the surrounding buildings.

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.

A literal enforcement of the zoning ordinance would require 50 parking spaces. To achieve the required amount of parking a parking structure would have to be built.

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.

The irregular shape and size of the lot does not allow for a reconfiguration of the parking layout.

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.

Granting relief will not degrade the intent of the zoning ordinance to provide off-street parking. The maximum amount possible of off-street parking spaces will be provided, based on the existing building and available open area available for parking.

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.

The proposed project will maintain the entire existing parking lot, with no reduction in the amount area being used for parking. Two parking spaces will be added to an area currently not being used as parking. The total amount of 28 spaces is the maximum amount possible of parking that can be provided, while still maintaining the minimum parking space size, and access ways.

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.