

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT & VARIANCE
352-360 Bridge Street**

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

Owner:	Cherubini Realty Co.	Date:	March 11, 2016
Address:	71 Evans Street Weymouth, MA 02191		
Applicant:	Hang Zhang	Case #:	3268
Address:	175 Quincy Shore Drive Quincy, MA 02171		
Representative:	Thomas Nguyen	Site Address:	352-360 Bridge Street
Address:	110 E Squantum Street Quincy, MA 02171	Sheet:	7
		Block:	59
		Lot:	5 & 6

Zoning District: B-2 (General Business)

Special Permit & Variance application filed on October 27, 2015

After a public hearing on December 2, 2015, continued to January 6, 2016, public hearing closed on January 6, 2016, continued to January 27, 2016, advertised in the Weymouth News on November 18 and November 25, 2015, the Board of Zoning Appeals at its meeting of January 27, 2016

VOTED TO GRANT THE SPECIAL PERMIT AND VARIANCE under Weymouth Zoning Ordinance 120-101 (Service Stations, Repair Garages, and Car Washes) to allow the applicant to repurpose two buildings on the lots for use as an office and service garage to support a used vehicle sales business.

Findings for Special Permit:

1. The specific site is an appropriate location for such a use.
 - a. the proposed use is allowed in the B-2 District with a Special Permit
 - b. the property is located along an established commercial corridor
2. The use involved will not be detrimental to the established or future character of the neighborhood or Town.
 - a. the applicant proposes to repurpose the existing buildings on the site and has proposed aesthetic improvements to the property
 - b. other car dealerships and service stations are currently located along Bridge Street
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - a. a white stockade fence will be installed along the rear and north property lines as a buffer

- b. the existing gate on the Pratt Avenue side will be permanently closed
 - c. the existing gate along Newton Street will be reconfigured to open inwards increasing pedestrian safety.
- 4. Adequate and appropriate facilities will be provided for the proper operations of the proposed use.
 - a. per Health Department Regulation #27, the applicant will be required to install an oil/water separator at the location of all floor drains and the property will be required to connect to the Town Sewer
- 5. The public convenience and welfare will be substantially served.
 - a. the aesthetic and infrastructure enhancements on the site will generally improve the area.
 - b. the property is currently vacant and this project will add to the tax base for the Town

Variance Criteria for Approval.

The applicant intends to utilize two existing buildings. These buildings do not meet the more stringent setback requirements of Section 120-101. Moving or demolishing these buildings would place significant financial hardship on the applicant and the granting of a variance would not represent a substantial detriment to the public good and would not substantially derogate from the intent or purpose of this bylaw. The lot is surrounded on three sides by public roadways and on the fourth by a residential development which further restricts the applicant's ability to meet the setback requirements.

Conditions:

1. The business must comply with Board of Health Floor Drain Regulation #27, the Town of Weymouth Code of Ordinances Hazardous Materials Section 7-401 as well as the State plumbing Code and any applicable Mass Water Resource Authority (MWRA) Codes.
2. All floor drains in the facility must be connected to an approved oil/water separator and then drain to the Municipal Sewer System. All Hazardous Materials and Hazardous Wastes must be registered with the Health Department.
3. A white stockade fence shall be installed along the rear property line as well as along the Pratt Street frontage. The existing gate along Pratt Street shall be permanently closed off. The existing gate along the south property line will be modified to open inwards.
4. As per landscaping plan, nine (9) trees will be planted along the rear property line at 30' on-center intervals.
5. All lighting on the property will be focused downwards so as not to create a nuisance for neighbors or a danger for traffic and will be consistent with those shown on the provided renderings.
6. An enclosed and covered dumpster will be maintained to the rear of the building located on lot 6.
7. All repair and maintenance activity will cease at 6PM. Retail business hours will be as follows:
 - Monday to Thursday 9AM to 8PM
 - Friday and Saturday 10AM to 6PM
 - Sunday 10AM to 5PM
8. The existing free-standing sign will be utilized.

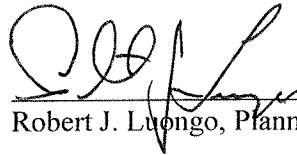
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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, and (3) the Record of Proceedings. The petitioner shall record these documents with the Norfolk 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 March 11, 2016

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

A handwritten signature in black ink, appearing to read 'R. Luongo', is written over a horizontal line.

Robert J. Luongo, Planning Director

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, December 2, 2015

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty

Absent: Ed Foley

Also Present: James Clarke, Planning Director
Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:05 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

4. Case #3268 – The petitioner, Hang Zhang, for property located at **352-360 Bridge Street**, also shown on the Weymouth Town Atlas Sheet 7, Block 92, Lots 5 & 6, located in the B-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; Dimensional Variance: 120-101 Service Stations, Repair Garages and Car Washes

Presently located on lot 5 is a ~3,984 SF single-story building formerly used for retail sales, lot 5 is ~24,959 SF; presently located on lot 6 is a ~2,183 two-story building formerly used for retail sales, lot 6 is ~9,528 SF. The petitioner is proposing to open an automobile sales and repair business.

Sitting Members: Richard McLeod
Chuck Golden
Jonathan Moriarty
Ed Foley - **Absent**
Kemal Denizkurt

Jonathan Moriarty made a motion to waive the reading of the publication on Case # 3268 and was seconded by Kemal Denizkurt. **VOTED UNANIMOUSLY**

Jonathan Moriarty made a motion to open the public hearing on Case # 3268 352-360 Bridge Street and was seconded by Kemal Denizkurt. **VOTED UNANIMOUSLY**

Appearing before the board was Thomas Nguyen General Manager and Hang Zhang

The Town Ordinance requires that they service the cars that they sell. They will not be servicing cars. There will not be any garages in the front and they will add flowers and bushes in the front to clean it up. The applicant spoke to all neighbors and the Civic Association and they are all in support of this project. The roof needs to be repaired and the building will be beautified. There will be extra fencing put in along the back (8 foot

fencing). They will be using the existing signs and will be adding a bathroom to the building. Morris engineer will be hired to perform the work.

Kemal Denizkurt asked the following questions:

- What will be done with the 2 story building on lot 6 and it was stated nothing at this point in time. They will be renovating lot 5 first.
- Do you truck any cars in and the applicant said no because they don't have the room and it would be too dangerous. They have 4 dealer plates and they will bring them in individually.

The hours of operation would be from 9:00 am – 8:00 pm Monday through Thursday and Friday & Saturday 10:00 – 6:00, Sunday 10:00 – 5:00.

Snow plan would be on site because there is a lot of space onsite. The summer is the busy season and they will have more cars.

Lighting will be added to the lot and 24 hour surveillance will be installed. There is an R1 zone behind him so the lighting will be facing down. All the cars will be in the front.

Kemal Denizkurt asked what are the plans for trash pick-up and it was stated that a dumpster will be on the side.

The applicant's uncle will be performing all the work and is licensed and will comply with all the building codes.

They will not be asking for a variance on signage as they are using the existing signs. They want to sell good cars \$7-10K and up.

There will be no washing of cars onsite. A landscape plan will be submitted to Planning Department.

Chuck Golden stated that even though you don't need the drain at all, you are going to comply with it and it was stated yes.

Eric Schneider asked if he was modifying the fences with gates and he stated yes because they are dangerous and open out onto the sidewalk.

Public Comment:

Becky Haugh, District 1 Town Councilor stated that she has met with them and she is happy with the plans but her only hesitation is the nature of the business "auto" and it isn't something you frequent every day as you would in a "village center". Some of the resident's concerns are the fencing along the back and that any maintenance would be halted around 6 pm for the abutters. The importance of painting the large 2 story building that is not being used and is multicolored would be great for the abutters.

Jim Clarke stated the hearing would be continued so we can get the answers to Kemal's questions that were not answered regarding the dumpster location, lighting plan and landscaping plan.

Jonathan Moriarty made a motion to continue Case #3268 to January 6, 2016 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, January 6, 2016

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Ed Foley

Also Present: James Clarke, Planning Director
Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:15 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Case #3268 – Continued Public Hearing from 12-2-2015 The petitioner, Hang Zhang, for property located at **352-360 Bridge Street**, also shown on the Weymouth Town Atlas Sheet 7, Block 92, Lots 5 & 6, located in the B-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; Dimensional Variance: 120-101 Service Stations, Repair Garages and Car Washes

Presently located on lot 5 is a ~3,984 SF single-story building formerly used for retail sales, lot 5 is ~24,959 SF; presently located on lot 6 is a ~2,183 two-story building formerly used for retail sales, lot 6 is ~9,528 SF. The petitioner is proposing to open an automobile sales and repair business.

Sitting Members: Richard McLeod
Chuck Golden
Jonathan Moriarty
Ed Foley
Kemal Denizkurt

Appearing before the board was Thomas Nguyen, General Manager and Hang Zhang. New plans were submitted for lighting around the property. There will be about 6-7 poles on the lot and the nighttime lighting will not affect the residence. The dumpster will be on lot #6 where the building is that they are not using. The trash truck will be able to pick up and remove the trash without any difficulty.

The gates on lot #6 will be swinging in and not out and the other gate will be blocked with a white stockade fence. The stockade fence will also go along the back of the property.

Public Comment:

Ed Foley made a motion to close the public hearing on Case #3268 and was seconded by Jonathan Moriarty. **VOTED UNANIMOUSLY**

Ed Foley made a motion to take Case #3268 under advisement and take up again at the January 27, 2016 meeting and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, January 27, 2016

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Ed Foley

Also Present: Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:08 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Case #3268 – For Deliberation - Public Hearing from 12-2-2015, 1-6-2016 The petitioner, Hang Zhang, for property located at **352-360 Bridge Street**, also shown on the Weymouth Town Atlas Sheet 7, Block 92, Lots 5 & 6, located in the B-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; Dimensional Variance: 120-101 Service Stations, Repair Garages and Car Washes

Presently located on lot 5 is a ~3,984 SF single-story building formerly used for retail sales, lot 5 is ~24,959 SF; presently located on lot 6 is a ~2,183 two-story building formerly used for retail sales, lot 6 is ~9,528 SF. The petitioner is proposing to open an automobile sales and repair business.

Sitting Members: Richard McLeod
Chuck Golden
Jonathan Moriarty
Ed Foley
Kemal Denizkurt

Appearing before the board was Thomas Nguyen General Manager and Hang Zhang. Chairman McLeod reviewed staff comments with the board. The applicant has supplied photos in color of the lighting, fencing and parking etc.

Special Permit Criteria for Approval. The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

1. The specific site is an appropriate location for such a use.

- a. the proposed use is allowed in the B-2 District with a Special Permit
 - b. the property is located along an established commercial corridor
2. The use involved will not be detrimental to the established or future character of the neighborhood or Town.
 - a. the applicant proposes to repurpose the existing buildings on the site and has proposed aesthetic improvements to the property
 - b. other car dealerships and service stations are currently located along Bridge Street
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - a. a white stockade fence will be installed along the rear and north property lines as a buffer
 - b. the existing gate on the Pratt Avenue side will be permanently closed
 - c. the existing gate along Newton Street will be reconfigured to open inwards increasing pedestrian safety.
4. Adequate and appropriate facilities will be provided for the proper operations of the proposed use.
 - a. per Health Department Regulation #27, the applicant will be required to install an oil/water separator at the location of all floor drains and the property will be required to connect to the Town Sewer
5. The public convenience and welfare will be substantially served.
 - a. the aesthetic and infrastructure enhancements on the site will generally improve the area.
 - b. the property is currently vacant and this project will add to the tax base for the Town

Ed Foley made a motion to approve the Special Permit on Case # 3268 and Kemal Denizkurt seconded this motion.

VOTED UNANIMOUSLY

Variance Criteria for Approval.

The applicant intends to utilize two existing buildings. These buildings do not meet the more stringent setback requirements of Section 120-101. Moving or demolishing these buildings would place significant financial hardship on the applicant and the granting of a variance would not represent a substantial detriment to the public good and would not substantially derogate from the intent or purpose of this bylaw. The lot is surrounded on three sides by public roadways and on the fourth by a residential development which further restricts the applicant's ability to meet the setback requirements.

Therefore, staff recommends approval of the requested Special Permit and Variance with the following conditions.

1. The business must comply with Board of Health Floor Drain Regulation #27, the Town of Weymouth Code of Ordinances Hazardous Materials Section 7-401 as

well as the State plumbing Code and any applicable Mass Water Resource Authority (MWRA) Codes.

2. All floor drains in the facility must be connected to an approved oil/water separator and then drain to the Municipal Sewer System. All Hazardous Materials and Hazardous Wastes must be registered with the Health Department. The will be inspected yearly to make sure they are still complying.
3. A white stockade fence shall be installed along the rear property line as well as along the Pratt Street frontage. The existing gate along Pratt Street shall be permanently closed off. The existing gate along the south property line will be modified to open inwards.
4. As per landscaping plan, nine (9) trees will be planted along the rear property line at 30' on-center intervals.
5. All lighting on the property will be focused downwards so as not to create a nuisance for neighbors or a danger for traffic and will be consistent with those shown on the provided renderings.
6. An enclosed and covered dumpster will be maintained to the rear of the building located on lot 6. The dumpster will be picked up when necessary between the hours of 9 AM to 5 PM.
7. All repair and maintenance activity will cease at 6PM. Retail business hours will be as follows:
Monday to Thursday 9AM to 8PM
Friday and Saturday 10AM to 6PM
Sunday 10AM to 5PM with no maintenance on Sundays.
8. The existing free-standing sign will be utilized.

Ed Foley made a motion to approve the Variance on Case # 3268 and Jonathan Moriarty seconded this motion.

VOTED UNANIMOUSLY

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

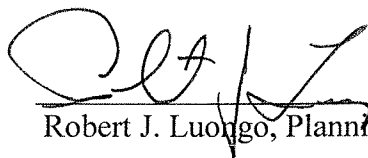
BOARD OF APPEALS

March 11, 2016

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 Hang Zhang, 175 Quincy Shore Drive, Quincy, MA 02171 affecting the rights of the owner with respect to land or buildings at 352-360 Bridge Street, also shown on the Weymouth Town Atlas Sheet 7, Block 59, Lot 5 & 6, 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 # 3268

Date of Hearing: 12/2/2015, Continued to 1/6/2016, 1/27/2016