

***Town of Weymouth
Massachusetts***

**Kathleen A. Deree
Town Clerk**

**Town Clerk's Department
781-340-5017
781-682-6129 (FAX)**



**Robert L. Hedlund
Mayor**

**75 Middle Street
Weymouth, MA 02189**

November 29, 2022

To Whom It May Concern:

I, Kathleen A. Deree, Town Clerk of the Town of Weymouth do hereby certify this to be the action taken by the Board of Zoning Appeals at their meeting held on October 5, 2022 on APPLICATION OF: Anton Cela, Case # 3482.

Signed: Kathleen A. Deree

A True Copy. ATTEST:

Kathleen A. Deree

Kathleen A. Deree
Town Clerk

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
352-260 BRIDGE ST**

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

Owner:	Cherubini Realty Co., Inc.	Date:	November 8, 2022
Address:	9 School St. Quincy, MA 02169		
Applicant:	Anton Cela	Case #:	3482
Address:	9 School St. Quincy, MA 02169		
Representative:	Brian Donahue 21 McGrath Highway Quincy, MA 02169	Site Address:	352-260 Bridge St
		Sheet:	7
		Block:	92
		Lot:	5&6
Filing Date:	7/15/2022		
Hearing Date:	8/10/2022 10/5/2022		
Advertised:	7/27/2022 & 8/03/2022		

Zoning District: B-2, R-1

After public hearings on 8/10/22 and 10/5/22, on 10/5/2022 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Section 120-27C Special Permit Uses by BZA-multiple dwellings* to allow for the demolition of a vacant structure and a vacant commercial building within the B-2 District to build a two-story mixed-use building containing one retail space and 20 residential units. The mixed-use structure will be built as shown on Proposed Site Plan prepared by Civil Environmental Consultants and dated 5/16/22 with a revision date of 8/26/22 and architectural plans prepared by Donahue Architects dated 11/05/21.

VOTED UNANIMOUSLY TO GRANT A VARIANCE under **Table 1** Schedule of District Regulations as the FAR is greater than .3 and **Section 120-57** as the height exceeds 35 ft while abutting R-1 District.

FINDINGS:

The Board found that the proposal met the requirements for a Special Permit under Section 120-122 (D) as follows:

1. The specific site is an appropriate location for such a use. *The site is on highly travelled Route 3A. This corridor has developed with a mix of commercial and residential uses. This mixed-use proposal is in keeping with the character of the corridor and the Town's vision for future development.*

2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The proposal is in keeping with the character of the Route 3A corridor and will add much needed greenspace to the corridor with the removal of a deteriorated building to a park area.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *Adequate parking has been provided and the ingress/egress has been reviewed by the Town's traffic engineer.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The project will require full review and approval from Weymouth Engineering and DPW Divisions.*
5. That the public convenience and welfare will be substantially served with the proposal. *The project will provide much needed housing in an area appropriate for such a use. The redevelopment of the site will increase much needed greenspace and improve the overall aesthetics of the busy corridor.*

VOTED UNANIMOUSLY TO GRANT A VARIANCE from the maximum Floor Area Ratio (FAR) and from Section 120-57 which limits the height of structures abutting an R-1 District to 2.5 stories and 35 feet. The approved structure will be three full stories with an FAR of .45.

VARIANCE FINDINGS:

The Board found compelling evidence that a unique hardship existed that supported the applicants request for the two variances. Specifically, the Board heard testimony from the Office of Planning and Community Development that it was at the Town's request that a second commercial structure on the south east corner of the lot will be raised and replaced by a pocket park adding much needed greenspace to the busy Route 3A corridor. This request is consistent with the Town's overall masterplan for the corridor and supported by both resident comment and input by elected officials. To accomplish these goals, it was financially necessary to allow for denser development of the remaining site.

CONDITIONS:

1. The Site Plan will be amended to eliminate three parking spaces at the side of the building and to replace them with additional greenspace. This will also eliminate the curb-cut on Bridge Street. The proposal will still comply with minimum parking requirements.
2. Entry and exit to the site will be via Pratt Street only.
3. All HVAC and other equipment will be screened.
4. Lighting, landscaping and fencing will be per approved plan set unless a substitute is approved by the Director of Planning and Community Development.
5. Building materials will be as per plans and will consist of cement board siding, stone or brick façade and wood. No vinyl will be permitted.
6. There will be no dumpster on the site as trash will contained within the building.
7. Sidewalks along Bridge Street will be replaced at the conclusion of construction and prior the issuance of Certificates of Occupancy.
8. The hours of operation for the commercial component will be M-F (8-4) and Saturday (9-3).
9. The rooftop area will be for the use of residents only. The space shall not be rented out for public events.

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
 BZA Decision – 352-260 Bridge St
 (Case 3482)

petitioner: (1) the certificate that no appeal was filed, (2) the certificate of granting of variance and/or special permit. 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 **November 8, 2022**

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.



Robert J. Luongo, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

November 8, 2022

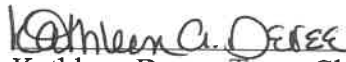
Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Anton Cela, 9 School St., Quincy, MA 02169, affecting the rights of the owner with respect to land or buildings at 352-260 Bridge St also shown on the Weymouth Town Atlas Sheet 7, Block 92, Lots 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 # 3482

Date of Hearing: 10/5/2022