

**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:** 125 Broad Street / 87 Vine Street

Assessor's Map Sheet, Block, & Lot: 20-274-16 / 20-274-10

Zoning District: R-4 / R-1 Overlay District: N/A

**OWNER OF RECORD (S)** (print & sign): SRH BROAD 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: 1215 Chestnut Street, Newton, MA 02464

Norfolk County Registry of Deeds Book and Page No. 38956 / 299

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

**NAME OF APPLICANT (S)** (print & sign): SRH BROAD LLC

Applicant's Address: 1215 Chestnut Street, Newton, MA 02464

Contact Information: Email j.rosenberg@srhllc.com Phone 781-449-6650

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

**NAME & AFFILIATION OF REPRESENTATIVE:** Jeffery A. Tocchio, Esq.

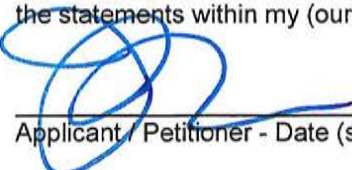
Address: Drohan Tocchio & Morgan, P.C., 175 Derby St, Suite 30, Hingham, MA 02043

Contact Information: Email jtocchio@dtm-law.com Phone 781-749-7200

**NAME OF ENGINEER AND / OR ARCHITECT:** Crocker Design Group LLC / DJSA Architecture PC

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.

 6-23-21  
Applicant / Petitioner - Date (sign & print) Jeffery A. Tocchio, counsel to SRH Broad LLC

## NATURE OF REQUEST

Application is for:   X   Special Permit   X   Variance Other: such other relief as may be deemed appropriate

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

The Applicant seeks a Special Permit under § 120-40 for the interior renovation of the existing 210 bed nursing home into an 80 studio/one-bedroom multi-family residential building, with exterior site improvements to add and improve both parking and circulation, and variance from § 120-74, C in order to provide 122 parking spaces to support the 80 studio/one-bedroom units within the refit building at the Property, and such other relief as may be deemed appropriate.

*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):

Please see attached Supplement.

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

Please see attached Supplement.

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).

Please see attached Supplement.

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).

Please see attached Supplement.

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

Please see attached Supplement.



## 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			
Lot Area / Size (Sq. Ft.)	15,000 SF	102,403± SF	102,403± SF
Dwelling Units	N/A	210 beds	80 one-bedroom
Frontage (ft.)	120'	162.99'	162.99'
Lot Width (ft.)	120'	162.99'	162.99'
Front Yard Setback (ft.)	40'	29.3'	29.3'
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	20'	0.4'	0.4'
Side Yard Setback (ft.)	20'	3.5'	3.5'
Rear Yard Setback (ft.)	30'	19.6'	19.6'
Height (ft.) & # of Stories	80' / 6 stories	37.4' / 3 stories	37.4' / 3 stories
Lot Coverage	20% min. front landscape area	57% front landscape area	57% front landscape area
Off-Street Parking Spaces		103 spaces	122 spaces
Off-Street Loading Spaces	N/A	N/A	N/A
Parking Setback	N/A	N/A	N/A
Accessory Structure Setback	N/A	N/A	N/A
Landscaping	20% min. front landscape area	57% front landscape area	57% front landscape area
Floor Area Ratio	0.30	N/A	0.54
Signage	N/A	N/A	N/A
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.

Please see attached Supplement.

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

Please see attached Supplement.

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

Please see attached Supplement.

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

Please see attached Supplement.

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

Please see attached Supplement.

**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):

Please see attached Supplement.

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

Please see attached Supplement.

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.

Please see attached Supplement.

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

Please see attached Supplement.

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

Please see attached Supplement.

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:

Please see attached Supplement.



## 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.

Please see attached Supplement.

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.

Please see attached Supplement.

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.

Please see attached Supplement.

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.

Please see attached Supplement.

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.

**SUPPLEMENT TO APPLICATION FOR SPECIAL PERMIT & VARIANCE  
125 Broad Street**

**APPLICANT'S DESCRIPTION AND NARRATIVE:**

**1. Describe what is presently located on the property:**

The Property is the former Colonial Nursing Home, a 210-bed elder nursing facility that closed in March of 2020. The Property is irregularly shaped and is comprised of two (2) parcels – 125 Broad Street and 87 Vine Street (hereinafter, the “Property”). The Property consists of 2.34± acres of land and possesses frontage at three (3) separate locations – 170± linear feet of frontage on the south side of Broad Street, 25± linear feet of frontage on the west side Vine Street, and 70± linear feet of frontage on the north side Vine Street. The Property is located within the R-4 District, with an existing 0.23± acre paved parking area located in the R-1 District.

The Property is improved with a 75,000± square foot nursing home constructed in 1963, paved driveways and parking areas, multiple accessory structures/improvements (sheds, generators, trash-compactor), and various hardscape/landscape features. The existing nursing home was built-out in stages over time, and is nonconforming as to setback requirements<sup>1</sup> and maximum floor area ratio – as at its closest point it is located 29.3' from the Broad Street (northerly) lot line, 0.4' from the easterly lot line<sup>2</sup>, and 3.5' from the westerly lot line<sup>3</sup>, and 19.6' from the southerly lot line. The gross floor area of the existing structure is 75,000± SF. A combination retaining wall and concrete staircase is located along a portion of the west property line that is 1.2± feet from the property line. The area is adjacent to a steep grade, ranging from approximately 2.5:1 to 1:1.

The Property has operated as a nursing home since the mid-1960s. The original portion of the existing building (the central building) was constructed in 1963. Two additional phases were

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<sup>1</sup> As the Property possesses street frontage in three separate location – on the north, east and south sides of the Property – it is considered to have three front lot lines, pursuant to the Ordinance, and the westerly lot line is considered the rear lot line. The minimum front yard depth in the R-4 District is 40' plus 5' for each story above the 3rd floor, and the minimum rear yard depth is 30' or 1/2 the building height, whichever is greater.

<sup>2</sup> Measured at the second-story overhang. The first-floor building structure is located 27.1' from the westerly lot line at its closest point.

<sup>3</sup> Measured at the second-story overhang. The first-floor building structure is located 9.7' from the easterly lot line at its closest point.

added – including the north building recognizable by its faux mansard roof, and south building.<sup>4</sup> The Colonial Nursing Home operated continuously until the outset of the Covid pandemic, and has been maintained in the condition existing at closing. A nursing home is a permitted use in the R-4 District.

At present, there are 103 non-compliant parking spaces imprecisely striped onsite. The existing drive aisles throughout the site are of variable width – and do not comply with the current width requirement. Access and circulation for the Property is primarily via the westerly curb opening on Broad Street, with additional access/egress via the access drive through the frontage on the westerly side of Vine Street.

**2. The applicant seeks to:**

The Applicant’s proposed project includes (a) interior renovation of the existing 210-bed nursing home into a residential multi-family building with eighty (80) studio/one-bedroom units, (b) refurbishment of the exterior of the existing building to upgrade energy efficiency and improve the visual appeal and aesthetic of the building, and (c) exterior site improvements to add and improve both onsite parking and circulation, while decreasing impervious area and introducing a landscape program appropriate for the size.

The proposed architectural upgrades to the existing buildings (North, Central and South) include resurfacing and repairs the existing building. As the majority of the existing exterior façades are comprised of true brick veneer, the Applicant’s intent is to retain the brick except for the portion of the North Building which abuts Broad Street as well as a small portion of the Central Building facing the main entry. The North Building currently features a decorative faux mansard-type roof that serves as the exterior wall surface of the second floor. The mansard roof will be removed as part of the proposed design aesthetic. A clean flat roof design will be incorporated and new metal wall panel cladding is used as the exterior cladding system at the North Building. The existing exposed concrete columns on the east and west drives would also be clad with the new metal panel system. All existing windows will be replaced with new insulated fiberglass windows – and the design retains as many of the existing window locations as possible,

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<sup>4</sup> As shown on the architectural plans submitted herewith, the existing building is essentially three separate building joined together in stages over time. The original building (“Central Building”) that is centrally located between two subsequently added buildings is a wood-frame structure with load bearing walls, while the building to the north and closest to Broad Street (“North Building”) and building to the south of the original building (“South Building”) were later joined to the Central building and constructed of steel.



recognizing that some window locations will shift to accommodate the new residential interior layout.

The proposed site improvements include improved/increased parking and circulation, and a decrease in the total amount of impervious area onsite. The existing parking configuration consists of irregular-sized and angled spaces with narrow drive aisles. The revised site design includes 19 additional parking spaces – for a total of 122 parking spaces onsite (including 5 handicap accessible parking spaces). All of the proposed parking spaces and drive aisles throughout the site will comply with the dimensional requirements of the Ordinance. The Applicant proposes to extend the existing stairwell and retaining wall along the westerly edge of the parking area (to be no closer to the property line than existing conditions), which will allow for travel aisle safety improvements, including the construction of guardrail and curbing for proper protection for pedestrians and vehicles, and the correction of handicap accessible parking grades to conform to ADA standards. The proposed reconfiguration greatly improves vehicular safety and circulation by widening/regularizing the geometry and grade of the access aisle and parking in the lot adjacent to the primary entrance to the building.

The project will retain the two (2) existing curb openings along the Broad Street frontage and the easterly Vine Street curb-cut. A new curb-cut is proposed at the southerly Vine Street frontage. The western Broad Street access will remain one-way onto the site only.

The revised site layout will improve existing stormwater conditions through the decrease in the overall amount of impervious area onsite; excess pavement will be removed and replaced with landscaping around the parking lot perimeter, and landscape islands are proposed. Additional curbing is proposed to be added within the main parking lot and at other locations throughout the site to better collect/direct drainage and define the edge of the pavement, and an engineered plunge pool and energy dissipator are proposed adjacent to the Town Drainage Easement at the west side of the Property.

**3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article:**

A building containing multi-family dwellings is a permitted use under the Town of Weymouth Zoning Ordinance § 120-20.A, in the R-4 district. The parking use of the southerly portion of the Property within the R-1 district will continue, as permitted by § 120-39 of the Ordinance and/or altered in accordance with § 120-40 of the Ordinance.

**4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list:**

The Property was developed and operated as a nursing home from 1963 to 2020. A nursing home is a permitted use in the R-4 district. The nursing home was licensed by the Commonwealth for operation of a 210-bed facility. The Applicant proposes to repurpose the Property as multi-family residential, as allowed in the R-4 district, and does not propose to operate the Property for nursing home or other medical/treatment related uses.

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

The Applicant proposes to add 19 new parking spaces and bring all parking spaces and drive aisles into dimensional compliance. The 122 parking spaces proposed are appropriate to support the 80 studio/one-bedroom units within the refit building, and the 1.53 parking spaces per studio/one-bedroom meets (and exceeds) recognized standards for parking demand. Parking demand observations documented by the Institute of Transportation Engineers (ITE) for multi-family (mid-rise) residential communities in a similar setting indicated an average peak parking demand of 1.21 spaces per dwelling unit and an 85<sup>th</sup> percentile peak parking demand of 1.52 spaces per dwelling unit. See *Parking Generation Manual*, 5<sup>th</sup> Edition; Institute of Transportation Engineers; Washington D.C.; 2019. Notably, these documented parking demands are for typical multi-family developments with a mix of bedroom ratios. Here, the Applicant proposes only studio and one-bedroom units – and still exceeds the average and 85<sup>th</sup> percentile peak demand ratios. Additionally, these ratios are consistent with the Town’s adoption of similar parking ratios, including the recently-enacted Commercial Corridor Overlay District (CCOD) (studio and one-bedroom unit requirement of a minimum of 1.25 spaces per unit and maximum of 1.5 spaces per unit). The Property directly abuts the CCOD, and the proposed 1.53 parking spaces per studio/one-bedroom ratio slightly exceeds the maximum permitted parking ratios in that overlay district. A requirement of 2 spaces per studio and one-bedroom unit would significantly exceed these recognized requirements and result in an over-abundance of parking for the building.

## **SPECIAL PERMIT APPLICATION**

### **SPECIAL PERMIT FINDINGS OF FACT**

**1. Is the specific site an appropriate location for such use? Please explain.**

Yes. The Property is located on the southerly side of Broad Street, with additional access/egress via Vine Street. The Property was developed and operated as a nursing home from 1963 to 2020. The Applicant proposes an interior renovation of the existing 210-bed nursing home into a residential multi-family building with eighty (80) studio/one-bedroom units. The intent of the R-4 Resident District is to establish and preserve multiple-family-dwellings, and a building containing multi-family dwellings is a permitted use under the Town of Weymouth Zoning Ordinance § 120-20.A. Thus, the proposed use falls squarely within the specific intent of the zone. The Applicant proposes to continue using the westerly curb opening on Broad Street as the “front door” one-way access to the Property, and provide additional access/egress via the existing access drive through the westerly frontage on Vine Street and at the southerly Vine Street frontage. The proposed site improvements will provide for safer circulation of vehicles and public safety, while providing adequate dimensionally compliant parking onsite. Additionally, the Applicant proposes refurbishment of the exterior of the existing building to upgrade energy efficiency and improve the visual appeal and aesthetic of the building – including replacing the mansard-type roof of the North building with a flat roof design and new metal wall panel cladding of a portion of the building. Finally, all existing windows will be replaced with new insulated fiberglass windows – and the design retains as many of the existing window locations as possible, recognizing that some window locations will shift to accommodate the new residential interior layout.

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

No. The existing use and structure, and proposed alteration thereto, will not be detrimental or adversely affect the character of the neighborhood or Town as (1) the multi-family housing use is a permitted use and more in keeping with the intent of the R-4 Resident District than the existing dated nursing home; (2) the use is consistent with other multi-family residential uses within proximity to the Property, and in proximity to public transportation and Weymouth Landing; (3) the proposed project includes significant investment in refurbishment to the exterior of the existing building to upgrade energy efficiency and improve visual appeal and aesthetic of the building and



landscaping; and (4) the studio/one-bedroom units will provide an attractive rental housing option for residents requiring more efficient living area that is proximate to amenities and varying transportation modes. Additionally, proposed improvements to the Property will enhance efficiencies and circulation over existing conditions. The Applicant proposes to improve the existing parking onsite – making all drive aisles and parking spaces onsite dimensionally compliant. Moreover, the proposed project will eliminate the unnecessary paving, decrease the total impervious area, and add additional/enhanced landscaping to the site. The multi-family residential use, as proposed, will be consistent with the character of the established neighborhood.

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

No. The proposed site improvements do not present a potential for nuisance or serious hazard to vehicles or pedestrians. The proposal was developed in consultation with Jeffrey S. Dirk, P.E., PTOE of Vanasse & Associates, Inc., and is subject to a transportation study prepared by Mr. Dirk submitted herewith. The proposed alterations will allow for safer circulation, public safety access, and adequate parking onsite. The existing westerly curb opening on Broad Street will remain as one-way and serve as the “front door” access to the Property, and provide additional access/egress via the existing access drive through the westerly frontage on Vine Street and at the southerly Vine Street frontage. Additionally, the Applicant proposes 19 additional dimensionally compliant parking spaces – for a total of 122 parking spaces (including 5 handicap accessible spaces) onsite – in order to provide ample parking for the 80 studio/one-bedroom units. This proposed reconfiguration will provide sufficient parking and better overall circulation of vehicles onsite. Finally, the project proposes to extend the existing stairwell and retaining wall along the westerly edge of the parking area (to be no closer to the property line than existing conditions), which will allow for travel aisle safety improvements, including the construction of guardrail and curbing for proper protection for pedestrians and vehicles, and the correction of handicap accessible parking grades to conform to ADA standards. The proposed reconfiguration greatly improves vehicular safety and circulation by widening/regularizing the geometry and grade of the access aisle and parking in the lot adjacent to the primary entrance to the building.

**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 Property is currently serviced by municipal water and sewer, and serviced by other utilities. As an existing nursing home, the building contains a sprinkler system for enhanced fire protection. Trash removal will be provided privately, and trash awaiting pick-up will be stored within an internal disposal room. Additionally, access to various public transportation options are provided by the MBTA in proximity to the Property.

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

The proposed reuse of the nursing home and improvements to the building to create an 80 studio/one-bedroom residential building will substantially serve the public convenience and welfare in that upgrade/modernization to the building will provide an attractive rental housing option for residents requiring more efficient living area that is proximate to amenities and varying transportation modes.

## **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”)**

#### **EXTENSION OR CHANGE FINDINGS OF FACT:**

**1. Describe what is currently nonconforming about this structure:**

The existing structure and Property are nonconforming with the dimensional requirements of the Zoning Ordinance relating to minimum yard depths (front, side, and rear) and floor area ratio. At its closest point, the existing structure is located 29.3’ from the Broad Street (northerly) lot line, 0.4’ from the easterly lot line<sup>5</sup>, and 3.5’ from the westerly lot line<sup>6</sup>, and 19.6’ from the southerly lot line. The gross floor area of the existing structure is 75,000± SF. Based upon the interior renovations to the existing building, the floor area ratio of the multi-family residential building is 0.54.

The existing parking area at the southerly portion of the Property within the R-1 district will continue to support the permitted use within the building at the Property – and proposed improvements and alterations include (1) reduction of the amount of pavement, (2) addition of new landscaped areas, (3) installation of curbing to better collect/direct drainage and define the edge of pavement, and (4) replacement of chain-link fencing and overgrowth with landscaping and granite curb-cut at the southerly Vine Street frontage.

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

The existing nursing home building at the Property was constructed in 1963, with two subsequent phases. The retaining walls and concrete stairwell appear to have been constructed at the time of original construction, and the parking area at the southerly portion of the Property within the R-1 district dates to approximately 1974.

**3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements?**

The nursing home was constructed pursuant to permits issued by the Town of Weymouth and operated pursuant to licenses issued by the Town and Commonwealth of Massachusetts for

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<sup>5</sup> Measured at the second-story overhang. The first-floor building structure is located 27.1’ from the westerly lot line at its closest point.

<sup>6</sup> Measured at the second-story overhang. The first-floor building structure is located 9.7’ from the easterly lot line at its closest point.



over 50 years. The use is a permitted use under the Town of Weymouth Zoning Ordinance § 120-20B.

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

A building containing multi-family dwellings is a permitted use under the Town of Weymouth Zoning Ordinance § 120-20A. The parking use of the southerly portion of the Property within the R-1 district will continue, as permitted by § 120-39 and/or altered in accordance with § 120-40 of the Ordinance. The interior renovation and exterior makeover of the existing building will not create new nonconformities or increase any existing nonconformities. Additionally, the existing parking configuration consists of irregular-sized and angled spaces with narrow drive aisles. The revised site design proposes to extend a new retaining wall along the westerly property line beginning at the south edge of the existing concrete stairwell structure, with timber guardrail and curbing, for 120± linear feet. The extension of the retaining wall will be no closer to the property line than the existing wall.

**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 existing parking configuration and parking spaces are irregularly sized, angled and positioned with narrow drive aisles – with 103 noncompliant parking spaces. The revised site design proposes 19 additional parking spaces – for a total of 122 parking spaces onsite (including 5 handicap accessible parking spaces). All of the parking spaces and drive aisles throughout the site will comply with the dimensional requirements of the Ordinance.

The 122 parking spaces proposed are appropriate to support the 80 studio/one-bedroom units within the refit building, and the 1.53 parking spaces per studio/one-bedroom meets (and exceeds) recognized standards for parking demand. Parking demand observations documented by the ITE for multi-family (mid-rise) residential communities in a similar setting indicated an average peak parking demand of 1.21 spaces per dwelling unit and an 85<sup>th</sup> percentile peak parking demand of 1.52 spaces per dwelling unit.<sup>7</sup> Notably, these documented parking demands are for typical multi-family developments with a mix of bedroom ratios. Here, the Applicant proposes only studio and one-bedroom units – and still exceeds the average and 85<sup>th</sup> percentile peak demand

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<sup>7</sup> See *Parking Generation Manual*, 5<sup>th</sup> Edition; Institute of Transportation Engineers; Washington D.C.; 2019.

ratios. Additionally, these ratios are consistent with the Town's adoption of similar parking ratios, including the recently-enacted CCOD (studio and one-bedroom unit requirement of a minimum of 1.25 spaces per unit and maximum of 1.5 spaces per unit). The Property directly abuts the CCOD, and the proposed 1.53 parking spaces per studio/one-bedroom ratio slightly exceeds the maximum permitted parking ratios in that overlay district.

**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 exterior refurbishment of the existing building to upgrade energy efficiency and improve the visual appeal and aesthetic of the building and interior renovation of the existing 210-bed nursing home, into a residential multi-family building with eighty (80) studio/one-bedroom units will not be substantially more detrimental to the neighborhood than the existing structure as the proposed project: (1) upgrades the energy efficiency and improves the visual appeal and aesthetic of the existing building – including replacing the mansard-type roof of the North building with a flat roof design and new metal wall panel cladding, (2) improves safety by providing safer circulation of vehicles and public safety, including providing ADA compliant parking grades and adequate dimensionally compliant parking onsite, (3) introduce additional pervious area and landscaping, and improve stormwater conditions, by removing excess paving and adding enhanced landscaping, as well as adding curbing and an engineered plunge pool and energy dissipator, and (4) reactivates the Property for a vibrant multi-family use consistent with the R-4 district, as opposed to other potential uses that would utilize the existing fit-out of the building for a continuation of medical/treatment-related uses.

## **VARIANCE APPLICATION**

### **VARIANCE FINDINGS OF FACT:**

The Applicant seeks variance from § 120-74, C requiring that two parking spaces be provided for each dwelling unit – in order to provide 122 parking spaces to support the 80 studio/one-bedroom units within the refit building and meets (and exceeds) recognized standards for parking demand.

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.**

The lot shape in relation to the location of the existing building presents physical and practical difficulties to the creation of safe, efficient, and dimensionally compliant parking requested to support a reasonable use of the Property consistent with the R-4 district. A grant of a variance in this instance will allow for the reasonable improvement and use of the Property in a manner consistent with the neighborhood and other residential development in the area.

The Property is irregularly shaped, and has a lot shape factor of over 45 – greatly in excess of 30 permitted by the Ordinance. See § 120-53.2. The Property consists of 102,403± SF of land and is improved with an existing 75,000± square foot nursing home constructed in phases beginning in 1963, paved driveways and parking areas, and various hardscape/ landscape features. At present, there are 103 non-compliant parking spaces imprecisely striped onsite to support the 210-bed nursing home. The existing drive aisles throughout the site are of variable width – and do not comply with the current width requirement. A steep slope adjacent to the existing retaining wall and concrete stairwell structure ranges from approximately 2.5:1 to 1:1 and presents numerous safety issues.

The Applicant proposes a revised site design with 19 additional parking spaces – for a total of 122 parking spaces onsite (including 5 handicap accessible parking spaces) – to support the reasonable use of the existing structure and existing onsite uses consistent with the goals of the R-4 district. The 122 parking spaces proposed are appropriate to support the 80 studio/one-bedroom units within the refit building, and the 1.53 parking spaces per studio/one-bedroom meets (and exceeds) recognized standards for parking demand. Parking demand observations documented by the ITE for multi-family (mid-rise) residential communities in a similar setting indicated an



average peak parking demand of 1.21 spaces per dwelling unit and an 85<sup>th</sup> percentile peak parking demand of 1.52 spaces per dwelling unit.<sup>8</sup> Notably, these documented parking demands are for typical multi-family developments with a mix of bedroom ratios. Here, the Applicant proposes only studio and one-bedroom units – and still exceeds the average and 85<sup>th</sup> percentile peak demand ratios. Additionally, these ratios are consistent with the Town’s adoption of similar parking ratios, including the recently-enacted CCOD (studio and one-bedroom unit requirement of a minimum of 1.25 spaces per unit and maximum of 1.5 spaces per unit). The Property directly abuts the CCOD, and the proposed 1.53 parking spaces per studio/one-bedroom ratio slightly exceeds the maximum permitted parking ratios in that overlay district.

**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 Property has an unusual/irregular jigsaw puzzle piece shape – with a lot shape factor in excess of 45 (max. 30 is permitted) – frontage at three (3) separate locations, and irregular topography proximate to the main building entrance. These conditions, in combination with the location of the pre-existing nonconforming 75,000± square foot on the 102,400± square feet lot, especially affect the subject Property and not generally the zoning district. The irregular shape of the lot in relation to the location of the existing building and parking areas presents physical and practical difficulties to the creation of more than the 19 additional parking spaces proposed on the lot – for a total of 122 dimensionally compliant parking spaces.

**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.**

The intent and purpose of the Ordinance is to provide safe, ample parking for any particular use. The Applicant’s proposed multi-family use allows for the repurposing, upgrade and investment in existing structures, consistent with recent parking ratio requirements for similar studio/one-bedroom units, while eliminating existing non-conformities. The proposed re-use of the Property for a vibrant multi-family use consistent with the R-4 district, as opposed to other

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<sup>8</sup> See *Parking Generation Manual*, 5<sup>th</sup> Edition; Institute of Transportation Engineers; Washington D.C.; 2019.

potential uses that would utilize the existing fit-out of the building for a continuation of medical-related uses. The existing parking configuration and parking spaces are irregularly sized, angled, and positioned with narrow drive aisles – with 103 noncompliant parking spaces. The revised site design proposes 19 additional parking spaces – for a total of 122 parking spaces onsite (including 5 handicap accessible parking spaces). All of the parking spaces and drive aisles throughout the site will comply with the dimensional requirements of the Ordinance.

The 122 parking spaces proposed are appropriate to support the 80 studio/one-bedroom units within the refit building, and the 1.53 parking spaces per studio/one-bedroom meets (and exceeds) recognized standards for parking demand. As previously discussed, parking demand observations documented by the ITE for multi-family (mid-rise) residential communities in a similar setting indicated an average peak parking demand of 1.21 spaces per dwelling unit and an 85<sup>th</sup> percentile peak parking demand of 1.52 spaces per dwelling unit (for typical multi-family developments with a mix of bedroom ratios). Additionally, the recently-enacted CCOD – which directly abuts the Property – requires for studio and one-bedroom units a minimum of 1.25 spaces per unit and maximum of 1.5 spaces per unit. Here, the proposed 1.53 parking spaces per studio/one-bedroom ratio for the project exceeds both the ITE average and 85<sup>th</sup> percentile peak demand ratios and the maximum permitted parking ratios in the CCOD – and provides appropriate parking onsite, while utilizing and improving the existing parking areas associated with the nursing home use.

**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 Applicant is not seeking a dimensional variance. The Applicant seeks variance from the requirement at § 120-74, C that two parking spaces be provided for each dwelling unit – in order to provide 122 parking spaces to support the 80 studio/one-bedroom units within the refit building and meet recognized standards for bedroom/space ratios. The requirement of two parking spaces for each dwelling unit found at § 120-74, C, enacted close to 25 years ago, does not differentiate between the number of bedrooms per unit anticipated a mix of dwelling unit types.<sup>9</sup>

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<sup>9</sup> Applied hypothetically, a residential multi-family building with ten (10) three-bedroom units would require 20 parking spaces (0.67 spaces per bedroom), and a ten (10) studio/one-bedroom unit building would also require 20 parking spaces (2 spaces per bedroom). These ratios are wildly divergent, and are not consistent with recently enacted parking ratios within the Town or industry generated/accepted parking standards.

As previously stated, the combination of pre-existing nonconforming 75,000± square foot on the 102,400± square feet lot and shape of the lot in relation to the location of the existing building and parking areas presents physical and practical difficulties to the creation of more than the 19 additional parking spaces proposed on the lot – for a total of 122 dimensionally compliant parking spaces. Additionally, the existing building was constructed in phases for a specific institutional use, which creates constraints in the refit and re-use of the building. The existing structure can be built-out to over 80 units; however, the Applicant's proposal accomplishes a balance of (a) upgrading the existing parking areas to dimensional compliance, (b) meet the more-current 1.5 parking space per studio/one-bedroom unit ratio, and (c) deliver a unit count that fits the existing building and supports the investment in the upgrading of the building and site – as opposed to utilizing the existing fit-out of the building for a continuation of medical-related uses. The 122 parking spaces proposed are appropriate to support the 80 studio/one-bedroom units within the refit building and meet recognized standards for bedroom/space ratios, as previously discussed.