

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON SPECIAL PERMIT  
555 BROAD STREET**

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

<b>Owner:</b>	Davis Clapp LLC/John Deady	<b>Date:</b>	June 8, 2016
<b>Address:</b>	540 Commercial Street Weymouth, MA 02188		
<b>Applicant:</b>	John Deady	<b>Case #:</b>	3284
<b>Address:</b>	540 Commercial Street Weymouth, MA 02188		
<b>Representative:</b>	N/A	<b>Site Address:</b>	555 Broad Street
		<b>Sheet:</b>	22
		<b>Block:</b>	291
		<b>Lot:</b>	12

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2016 JUN - 8 PM 1:11

**Zoning District: B-1 (Limited Business)**

Board of Zoning Appeals application filed on March 25, 2016.

After a public hearing on May 11, 2016, advertised in the Weymouth News on April 27 and May 4, 2016, the Board of Zoning Appeals at its meeting of May 11, 2016

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Article XIII, Section 120-40, Extension or change of an existing non-conforming use or structure, to grant relief for the petitioner to substantially renovate the existing structure with 2 retail/office units on the first floor and 2 apartment units on the second floor by expanding the second floor units to 2 levels by constructing a third floor, and to convert the apartment units and the retail/office units to condominiums

**SPECIAL PERMIT FINDINGS:**

1. The specific site is an appropriate location for such a use.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **It will improve the intersection and beautify it.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **The applicant is adding 4 parking spaces**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **The building will be sprinklered and dumpster will be screened in, ADA code will be met if necessary as well as stretch code.**
5. That the public convenience and welfare will be substantially served with the proposal. **Adding residential quarters and new office space for tax revenue. Applicant will do his best to use local labor.**

**Conditions:**

- Dumpster needs to be screened in and removal will be Mon-Fri 9-5

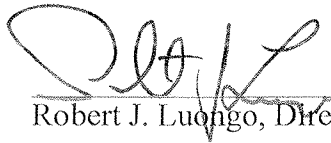
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

**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 June 8, 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.



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Robert J. Luongo, Director of Planning and Community Development

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
**Wednesday, May 11, 2016**

**Members Present:** Richard McLeod, Chairman - **Absent**  
Kemal Denizkurt  
Chuck Golden - **Absent**  
Jonathan Moriarty  
Ed Foley  
Brandon Diem, Alternate

**Also Present:** Bob Luongo, Planning Director  
Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Vice Chairman Ed Foley called the Board of Zoning Appeals meeting to order at 7:10 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

**Case #3284** – The petitioner, John Deady, for property located at **555 Broad Street**, also shown on the Weymouth Town Atlas Sheet 22, Block 291, Lot 12, located in an B-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit;                      120-40   Extension or change of non-conforming use

Presently located on the property is an existing building with 2 retail/office units on the first floor and 2 apartment units on the second floor, with no parking provided. The petitioner is proposing to substantially renovate the existing structure, expand the second floor units to 2 levels by constructing a third floor, and convert the apartment units and the retail/office units to condominiums.

**Sitting Members:**      Kemal Denizkurt  
                                 Jonathan Moriarty  
                                 Ed Foley  
                                 Brandon Diem

Jonathan Moriarty made a motion to open the public hearing on Case # 3284 and was seconded by Kemal Denizkurt.

**VOTED UNANIMOUSLY**

Jonathan Moriarty made a motion to waive the reading of the publication on Case # 3284 and was seconded by Kemal Denizkurt.

Appearing before the board was the applicant John Deady. Mr. Deady would like to change the first floor to office retail condominiums. This would substantially improve the building that has been neglected for the past 20 years.

Ed Foley stated that this building has been sitting for a long time and he is happy to see an improvement.

Kemal asked if there is anyone occupying the office space and it was stated no. It have been vacant as an office for the past year. He is within the height limitations.

Right now there are no parking spaces. Since the applicant owns the Clapp building next door, he will be leasing 2 parking spaces to this property. Mr. Metri is the owner across the street and he has agreed to lease him 2 spaces as well for parking. This will allow for 4 parking spaces total.

Jonathan stated he has some concerns and the height is one of them as it will be the largest structure in that square. He is very concerned about the parking and wants to hear more about the lease terms and snow removal.

The applicant stated right now they will be a 5 year lease with Mr. Metri but he will be trying to get a longer lease. Currently there are people living in the building and they take the bus and train. The 2 parking spaces from the Clapp project will be perpetual (for life) they will not be leased, this will be one space for each unit. By proposing this the applicant is actually decreasing the nonconformity of the property.

Trash removal will be two trash and two recycle for a total of 4 barrels for the condominiums. The commercial space will use a small dumpster in the back. Jonathan would like to make sure it is screened in as a condition.

The applicant stated that right now there are already two apartments there with no parking and it will remain two condominiums so the amount of units will not change. It is already existing and nonconforming. The spaces at Clapp will be deeded and there will be guest spots they can park in. The commercial space will not have parking as there is plenty of street parking for any business that goes in there. He is not expecting a business with a lot of traffic. The surrounding businesses are high traffic.

Kemal stated that Next page and the hair salon has off street parking. The Karate, Gios, etc. has parking in the back of their building. There is some on street parking in that area for business.

Kemal asked what the outside material on the building will be and he said a hardy plank siding with insulation. He tried to follow the neighborhood guidelines for the area.

Jonathan asked if the commercial space will be handicap accessible and the applicant stated no. It was asked if they needed to be and Bob Luongo will look into this for them. This will be up to the building department when he submits his construction plans.

The applicant will not be increasing the footprint of the building only increasing the height.

Brandon Diem asked if this project will be stretch code compliant and the applicant stated yes.

Eric stated that there were no staff comments.

Public Comments:

Robert Piatzo, 564 Broad Street – can the applicant add two more parking spaces on the Clapp property? It was stated no he would have to go back to the building department for more parking. Jonathan said he reduced his project from 20 to 19 to free up two parking spaces which are now dedicated perpetually to this project. There are also 12 guest spaces that could be used if there are spaces available for this project.

Janell Quinn, 29 Tamarack Trail said she loves what John has done with the Clapp and sees this as a huge improvement to the area and will make the square much more pleasing to the eye. Understands some of the parking concerns and is sure he will work around it.

Councilor Brian McDonald – The Clapp project is great and he supports this project 100%.

Bob Luongo stated that he understands the concerns relative to parking. The applicant is reducing the nonconformity and it meets what the town is trying to do with the Village Centers even though it isn't within one. He has met a lot of the standards in the guidelines and it is a pleasing design. Weymouth allows on street parking but no overnight parking that is why he has created 4 parking spaces. The area has great bus service and is close to the train line.

Jonathan Moriarty made a motion to close the public hearing on Case # 3284 and was seconded by Kemal Denizkurt.  
VOTED UNANIMOUSLY

Ed Foley made a motion to approve the Special Permit for Case #3284 and was seconded by Kemal Denizkurt.  
VOTED UNANIMOUSLY

**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.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **It will improve the intersection and beautify it.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **The applicant is adding 4 parking spaces**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **The building will be**

**sprinklered and dumpster will be screened in, ADA code will be met if necessary as well as stretch code.**

5. **That the public convenience and welfare will be substantially served with the proposal. Adding residential quarters and new office space for tax revenue. Applicant will do his best to use local labor.**

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**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

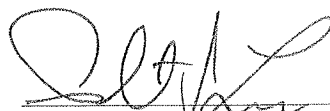
**BOARD OF APPEALS**

June 8, 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 Davis Clapp LLC / John Deady, 540 Commercial Street, Weymouth, MA 02188, affecting the rights of the owner with respect to land or buildings at 555 Broad Street, also shown on the Weymouth Town Atlas Sheet 22, Block 291, Lot 12, 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 # 3284

Date of Hearing: 5/11/2016