

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION**

TO BE COMPLETED BY STAFF

Case Number: #3284 SL Town Clerk Stamp
Submittal Accepted: 3/25 Date 3/25
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: 555 Broad Street
22 291 12
Assessor's Map Sheet, Block, & Lot: B1
Zoning District: _____ Overlay District: _____
OWNER OF RECORD (S) (print & sign): _____
(The owner of record is the person or entity who owns title to the property as of today's date)
Davis Clapp LLC
Address of owner of record: _____
31548-41
Norfolk County Registry of Deeds Book and Page No. _____
Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): _____
John Deady
Applicant's Address: _____
DD0501@hotmail.com 617-455-9168
Contact Information: Email _____ Phone _____

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

NAME & AFFILIATION OF REPRESENTATIVE: John Deady
540 Commercial St, Weymouth, MA 02188
Address: _____
DD0501@hotmail.com 617-455-9168
Contact Information: Email _____ Phone _____

NAME OF ENGINEER AND / OR ARCHITECT: CDHA

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.

John Deady John Deady 3-24-16
Applicant / Petitioner - Date (sign & print)

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):

120-39, 120-40

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):

Presently there are two apartments on the second floor and two retail/office spaces on the first floor. Recently and prior to my purchase there was a third apartment on the first floor

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

I wish to renovate the existing structure to add a third floor, the foot print of the structure will not change. Convert the two apartments and retail/office space to two residential condominiums and two office/retail condominiums.

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).

120-39 and 120-40

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).

I am not aware of any previous approvals

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

The property is currently existing non-conforming to set backs as required in 120-51.

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.)			
Dwelling Units			
Frontage (ft.)			
Lot Width (ft.)			
Front Yard Setback (ft.)			
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)			
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)			
Height (ft.) & # of Stories			
Lot Coverage			
Off-Street Parking Spaces			
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
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 appropriate because it is located on the corner of Broad and Middle Street in Central Square a village center. It is on the bus line and is within walking distance of a Commuter Rail Station

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

The proposed use/structure will not be detrimental or adversely affect the character of the neighborhood or town. The building has been neglected for years with little or no maintenance being done in recent years. The property is not in the Village Overlay District although it has been designed to follow the guidelines set forth in it.

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

There is no potential for nuisance or hazard to vehicle or pedestrians as there are large sidewalks on both Middle and Broad Street to accommodate pedestrians.

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

The Building will be built to The International Building Code, Massachusetts Codes, will have all new utilities and will have fire sprinklers, Smoke Detectors and Carbon Monoxide Detectors

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

The Public convenience and welfare will be substantially served because the building will be improved, with added fire sprinkler system. The Residential and office/retail condominiums occupants potentially will frequent the stores of Central Square as well as other village centers

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):

Side, Front, and Rear Setbacks, Lot Size, Lot Coverge

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

The building and site existed prior to the zoning laws were created and has been non-conforming since

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.

The building was built prior to the zoning ordinance

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

Section 120-39 allows for the continued non-conforming conditions and uses
Section 120-40 allows for a change of use because the change will be less detrimental than the existing

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

There are currently no off-street parking spots, two parking spots will be leased on the site of the Clapp Memorial Condominiums

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:

Changing the use to allow condominiums rather than apartments will be beneficial as it brings more stakeholders to the town

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.

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.

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.

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.

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.

Davis Clapp LLC

203 Middle Street
Weymouth, MA 02189

March 24, 2016

Via Hand-Delivery

Chair, Zoning Board of Appeals
Department of Planning and Community Development
75 Middle Street
Weymouth, MA 02189

Attn: Chair, Mr. Richard M. McLeod

Re: Special Permit of Property Located at 555 Broad Street
Map 22 Block 291 Lot 12

Dear Mr. McLeod and Zoning Board of Appeals Members:

This Application is being submitted to the Town of Weymouth Zoning Board of Appeals (hereinafter "ZBA" by the Davis Clapp LLC. (hereinafter "Applicant")to request the support from the "ZBA" to issue a Special Permit for the property located at 555 Broad Street shown on Map 22, Block 291, Lot 12 ("Subject Property").

A. Summary of Existing Conditions

The Applicant is the owner of the Subject Property. The existing building is located in the B1 zoning district. The property is currently being used in an existing non-conforming status with two apartments on the second floor and offices on the first floor.

B. Summary of Proposed Use

The proposed changes involve adding a third floor to the structure that will be substantially renovated; changing the apartments to condominiums and changing the rental offices/retail to rental/office condominiums.

C. Summary of Site Improvements

In connection with the Applicants request for a Special Permit, the Applicant states that he intends to renovate the entire structure bringing it inline with todays standards and building codes. This work will include a new fire alarm and fire sprinkler system throughout the building. The existing façade will be similar to the description in the Village Overlay District, although it is not in such a district.

Furthermore, the Applicant requests that upon receipt of this application, the ZBA assign a measure number and file the Applicant's application with the Town Clerk's office and proceed with all necessary procedures in connection with the request for a Special Permit application pursuant to its procedures for Special Permits.

Supplemental information is provided and is appended hereto as attachments: see table of contents for a listing of these attachments.

Should you have any questions regarding this matter, or require additional information please do not hesitate to contact me.

Respectfully Submitted,

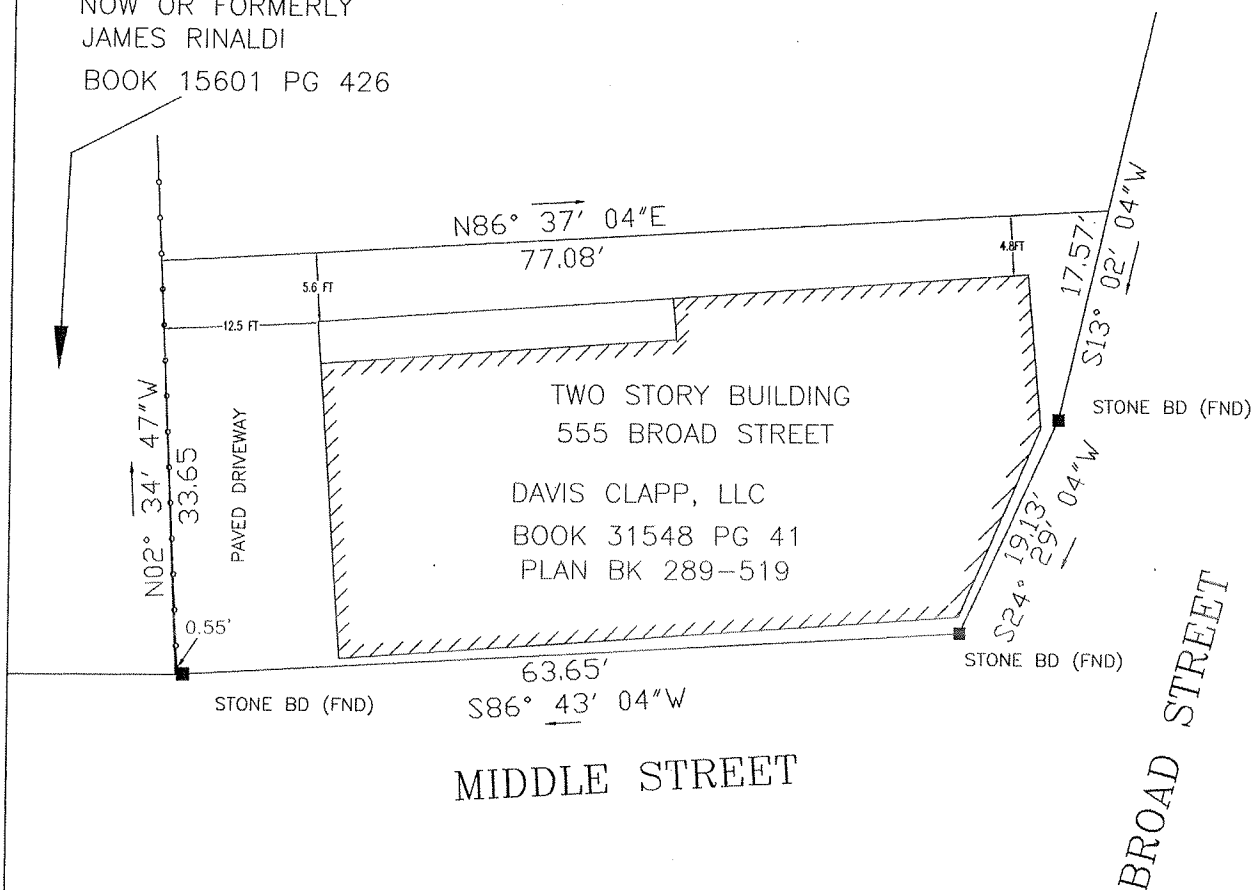
A handwritten signature in black ink, appearing to read "John Deady", with a long horizontal flourish extending to the right.

John Deady
Davis Clapp, LLC



NOW OR FORMERLY
PAUL AND LINDA CLARK
BOOK 15702 PG 510
PLAN BK 289-519

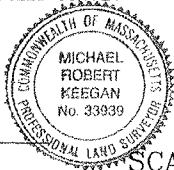
NOW OR FORMERLY
JAMES RINALDI
BOOK 15601 PG 426



I HEREBY CERTIFY THAT THE ASBUILT DATA AND THE STRUCTURES SHOWN ON THIS PLAN ARE THE RESULT OF AN ACTUAL ON THE GROUND FIELD SURVEY AND ARE CORRECT TO THE BEST OF MY KNOWLEDGE

DATE
NOV 13, 2014

Michael Robert Keegan
MICHAEL ROBERT KEEGAN PLS



CERTIFIED PLOT PLAN
PREPARED FOR
DAVIS-CLAPP LLC
XX MIDDLE STREET
WEYMOUTH, MASSACHUSETTS

SCALE 1" = 10 FT NOVEMBER 10, 2014
PREPARED BY

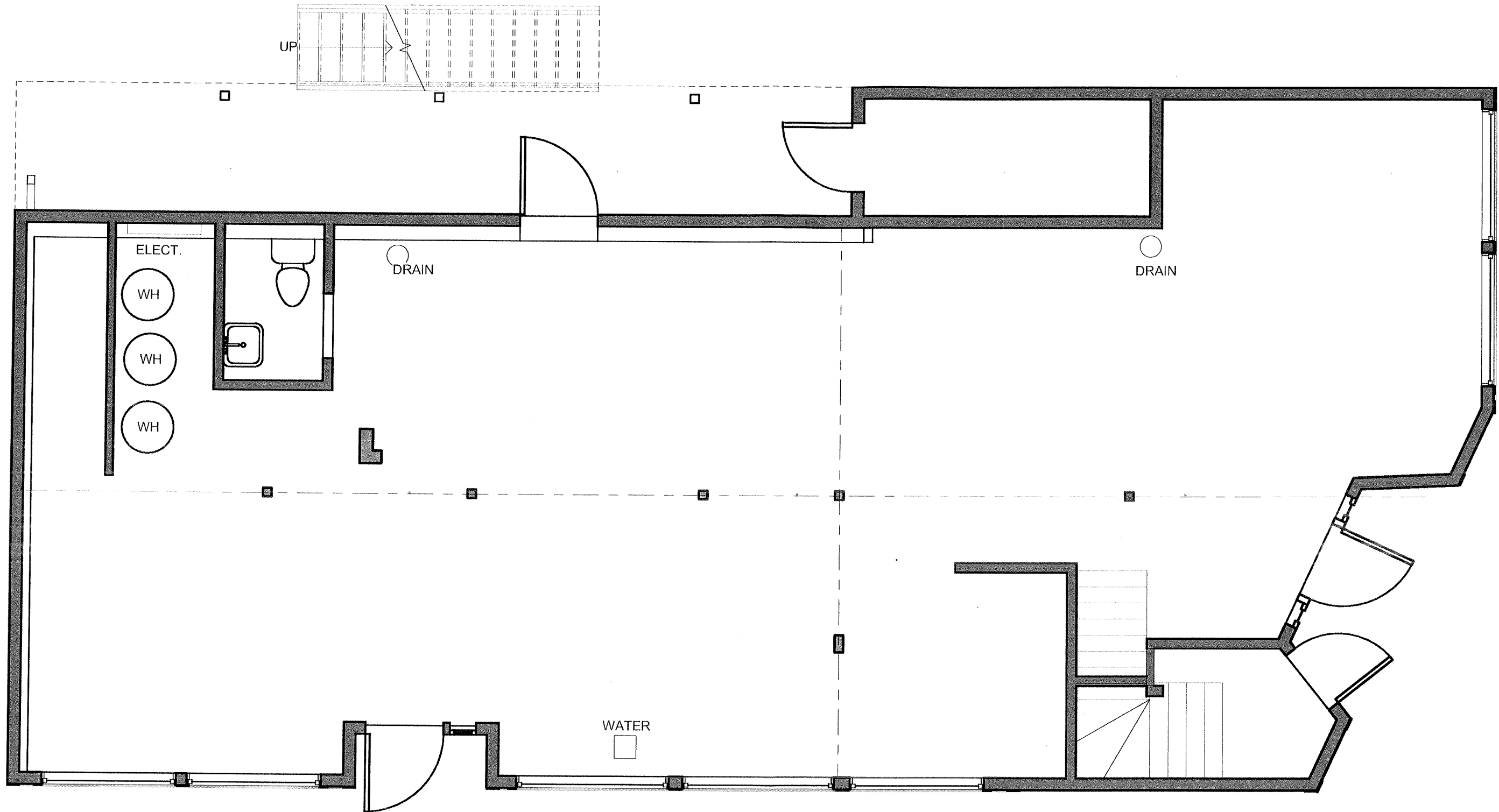
J2M CONSULTING ASSOCIATES, LLC

CIVIL ENGINEERING, SURVEYING, AND SAFETY
44 WOOD AVENUE
MANSFIELD, MASSACHUSETTS
508-962-7255

PLAN REFERENCES
PLAN BK 289 PAGE 519
LCC 28610



SCALE IN FEET



① First Floor
1/4" = 1'-0"



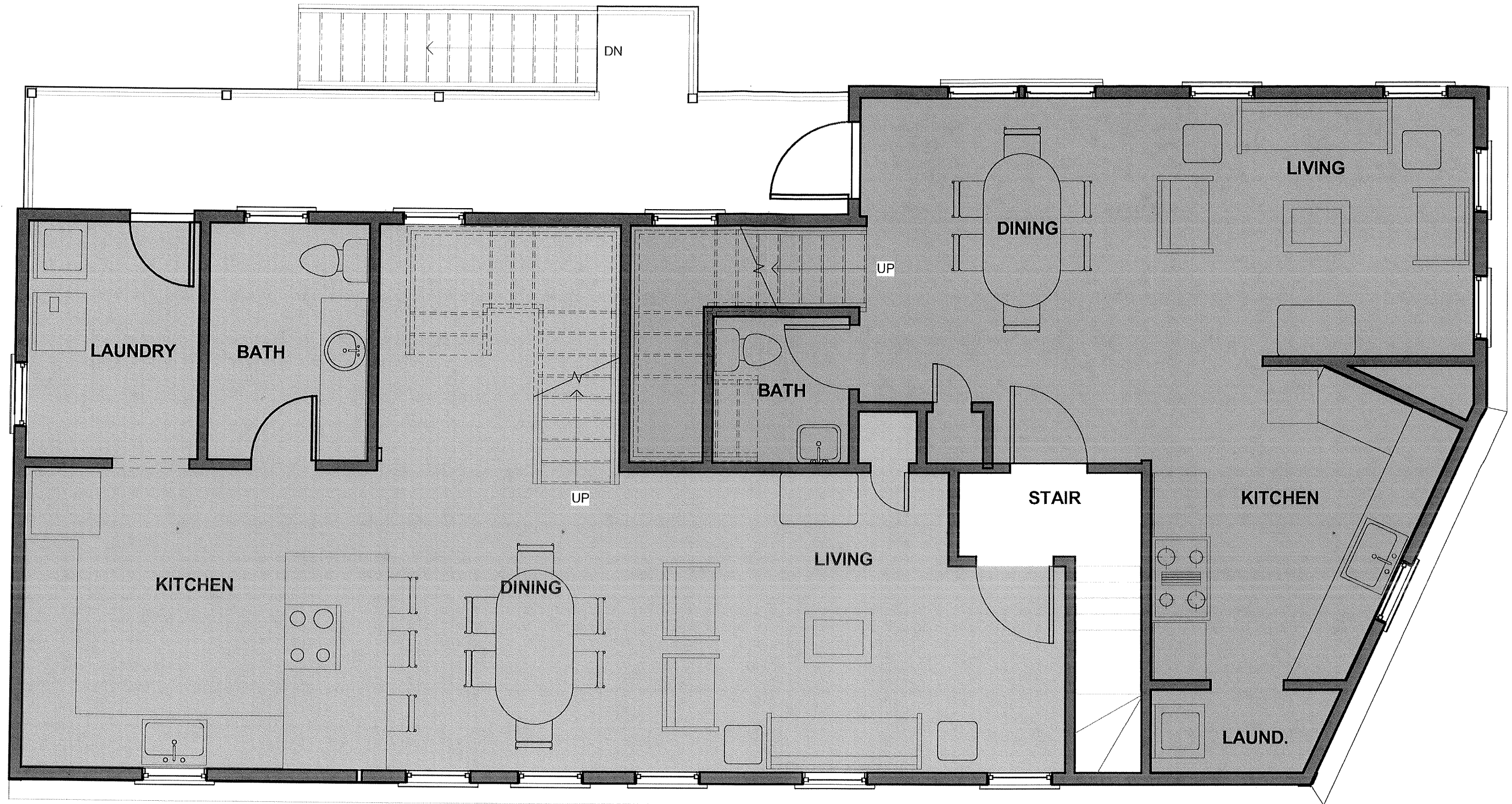
First Floor Plan

Project number: 1313_01
Scale: 1/4" = 1'-0"
Date: 9/24/13
Project Status: Client review

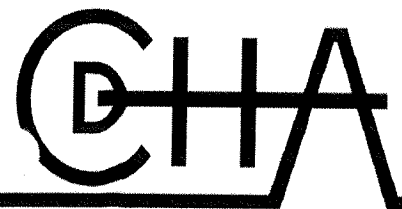
555 Broad Street

555 Broad Street
Weymouth,
Massachusetts

SK
01



① Second Floor
1/4" = 1'-0"



CHRISTOPHER D. HOWE ARCHITECTURAL CONSULTING
Code Consulting & Architectural Specifications
72 Farragut Avenue Somerville, MA 02144 www.CDHAconsulting.com (617) 764-1451

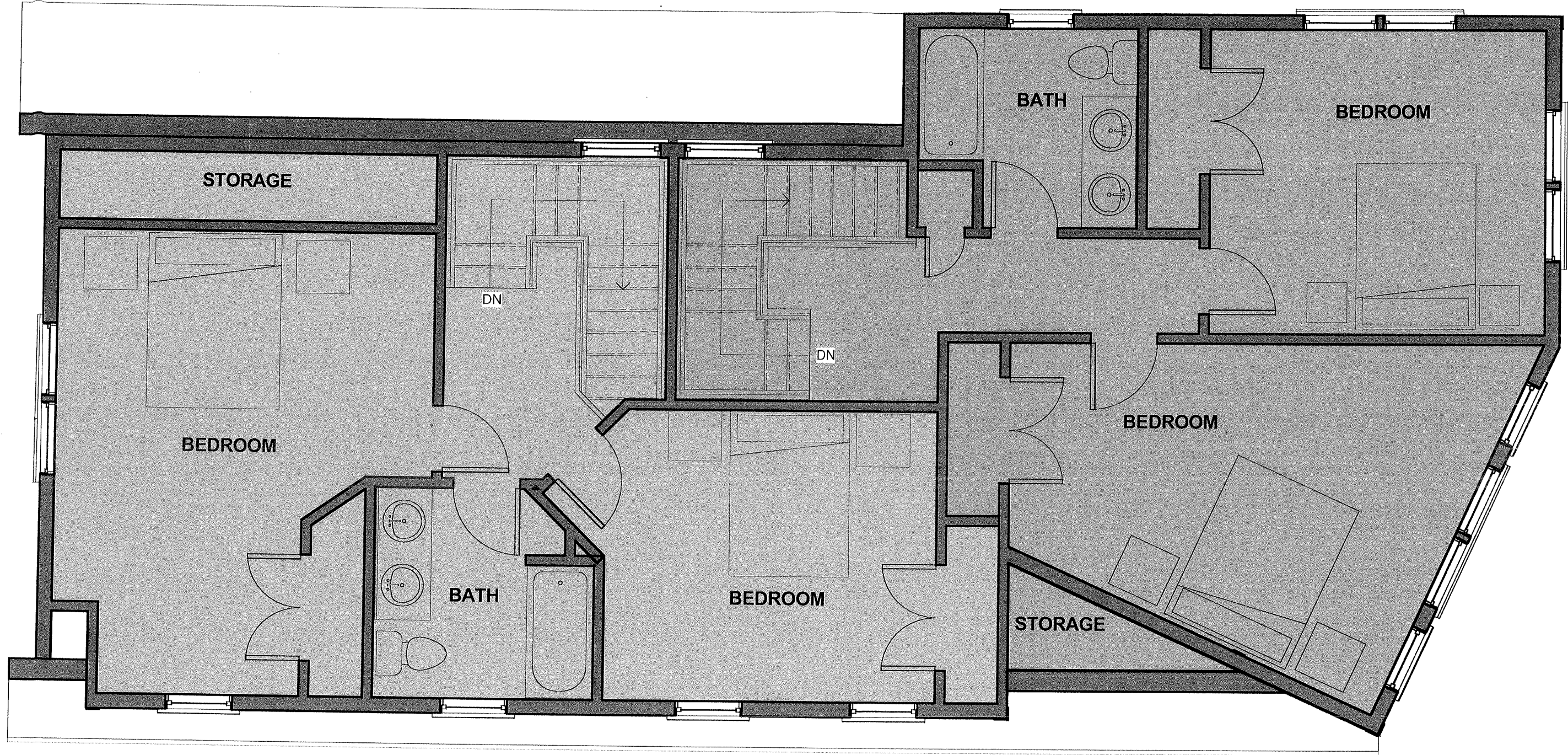
Second Floor Plan

Project number: 1313_01
Scale: 1/4" = 1'-0"
Date: 9/24/13
Project Status: Client review

555 Broad Street

555 Broad Street
Weymouth,
Massachusetts

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02



555 Broad Street

555 Broad Street
Weymouth,
Massachusetts

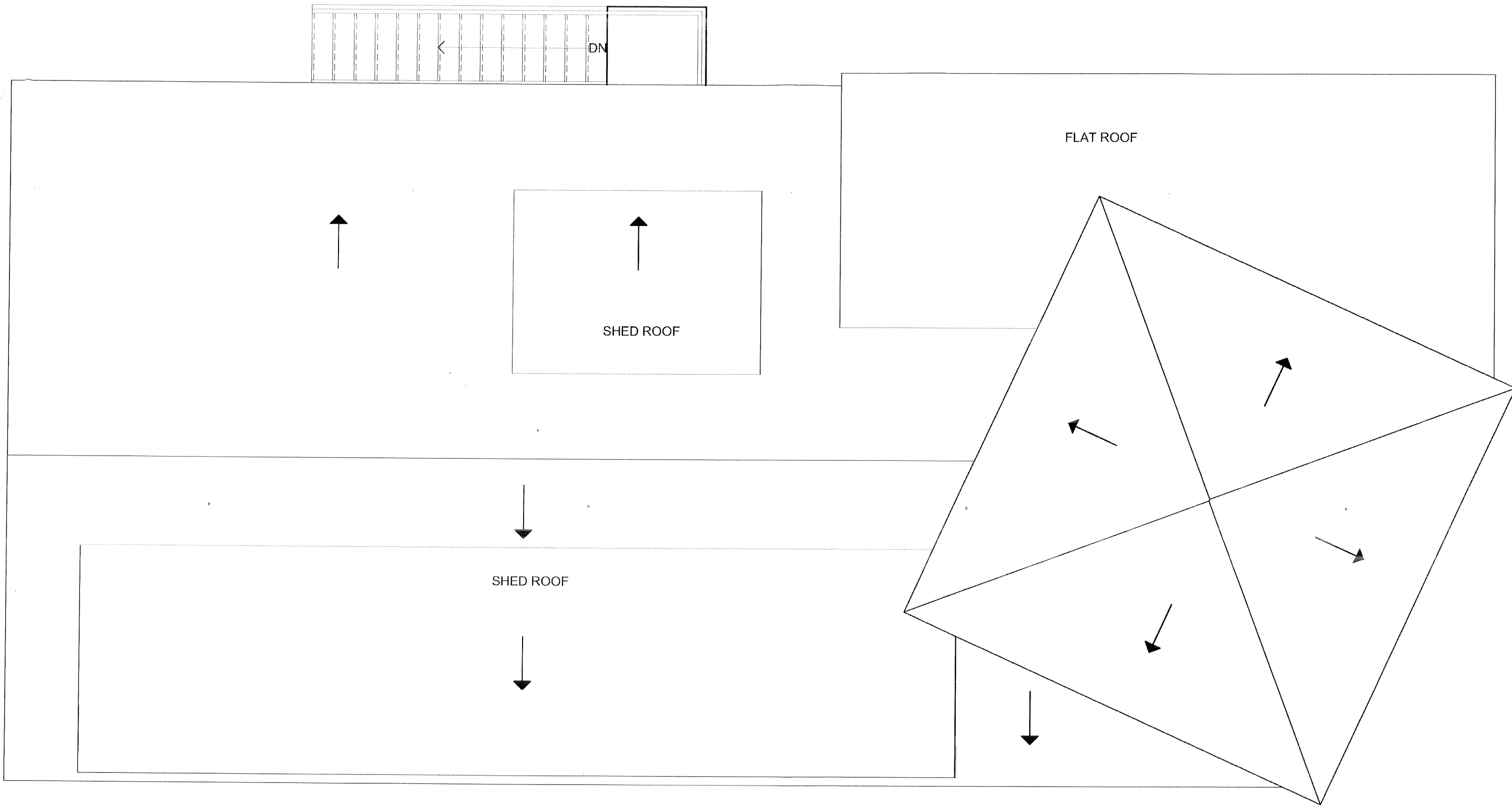


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Third Floor Plan

Project number: 1313_01
Scale: 1/4" = 1'-0"
Date: 9/24/13
Project Status: Client review

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555 Broad Street

555 Broad Street
Weymouth,
Massachusetts



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Roof Plan

Project number: 1313_01
Scale: 1/4" = 1'-0"
Date: 9/24/13
Project Status: Client review

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Ridge
38' - 3 1/2"



Third Floor
20' - 8 1/2"

Second Floor
11' - 4 1/4"

First Floor
1' - 6"

Ridge
38' - 3 1/2"



Third Floor
20' - 8 1/2"

Second Floor
11' - 4 1/4"

First Floor
1' - 6"

Grade
0' - 0"

555 Broad Street

555 Broad Street
Weymouth,
Massachusetts



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Elevations

Project number: 1313_01
Scale: 1/8" = 1'-0"
Date: 9/24/13
Project Status: Client review

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05



555 Broad Street

555 Broad Street
Weymouth,
Massachusetts

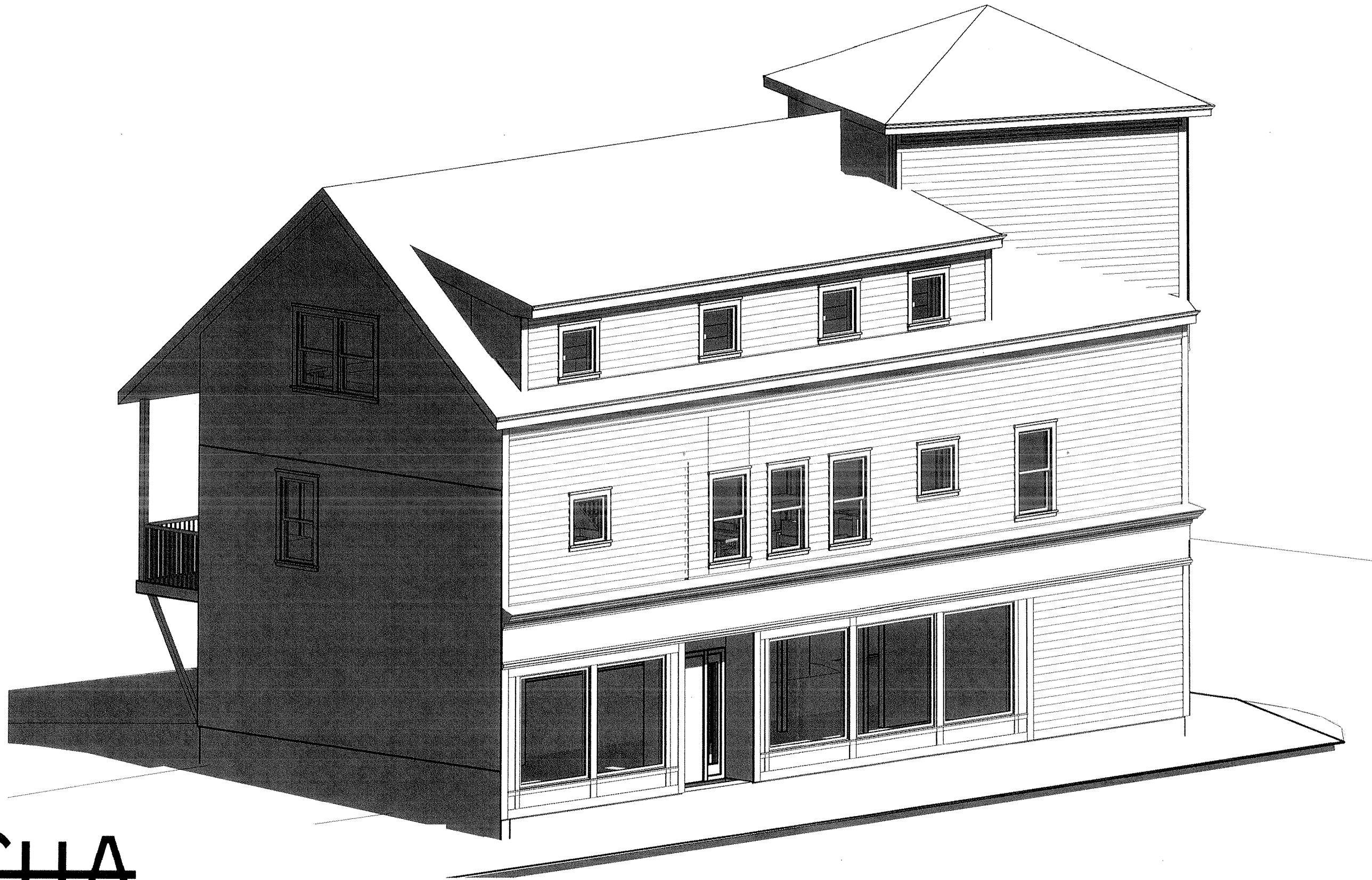


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Perspective View

Project number: 1313_01
Scale:
Date: 9/24/13
Project Status: Client review

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Perspective View

Project number: 1313_01
Scale:
Date: 9/24/13
Project Status: Client review

555 Broad Street

555 Broad Street
Weymouth,
Massachusetts

SK
07



555 Broad Street

555 Broad Street
Weymouth,
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Perspective View

Project number: 1313_01
Scale:
Date: 9/24/13
Project Status: Client review

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08