

2. That the hours of operation for the splash pad and pool area be from 9:00 A.M. to 8:00 P.M. daily.
3. That there be no lighting angled towards the rear abutters so there is no glare onto the abutting properties on Waterford Drive.
4. That the gravel parking spaces remain in use for the facility.

SPECIAL PERMIT FINDINGS:

The Board found that:

1. The specific site is an appropriate location for such a use:
The site is presently used as a multi-use health and recreational facility and the owner's intentions are to keep up with the changes in the industry and provide the amenities that are sought by their membership base.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town
This is a continuation of an ongoing use with the offering of an additional open exercise space and converting open seating area to a child water park area.
3. There will be no nuisance or serious hazard to vehicles or pedestrians:
The applicant has adequate existing parking for the added uses and the changes are internal and or conversion of an existing area.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use:
The approved changes will be properly incorporated in the existing facility.
5. The public convenience and welfare will be substantially served:
The changes are designed to provide the opportunity to enjoy all of the new innovations in the health, fitness and recreation industry.

VARIANCE FINDINGS:

The Board found that:

1. Owing to circumstances relating to the soil conditions, shape or topography of the land or structure, a literal enforcement of the provisions of the Zoning Ordinance would involve substantial hardship, financial or otherwise.

The proposed changes keep the pace with the evolution of the business industry. The property and business has existed for over 45 years and the approved changes are altering the existing use. The additional exercise space required additional parking that can be absorbed into the existing unpaved parking spaces. Although the unpaved parking spaces are not considered official parking spaces under the Zoning Ordinance, they help provide adequate parking for the current use.

2. Relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance.

The addition of the children's splash pad is merely adding an additional use of play area next to a children's splash pool, and the second floor use is to add play space for children with the ability to have an open meeting area.

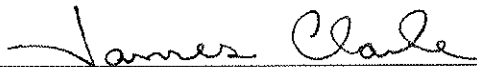
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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, and (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 April 1, 2015

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.



James Clarke, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

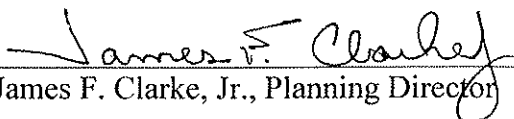
BOARD OF APPEALS

April 1, 2015

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 Stephen E. Goldman, 75 Finnell Drive, Weymouth, MA 02188, affecting the rights of the owner with respect to land or buildings at 75 Finnell Drive, also shown on the Weymouth Town Atlas Sheet 36, Block 452, Lot 5 & 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.


James F. Clarke, Jr., Planning Director

Kathleen Deree, Town Clerk

Case # 3248

Date of Hearing: 3/4/2015 and 3/25/2015