TOWN OF WEYMOUTH BOARD OF ZONING APPEALS APPLICATION

	TO BE COMPLETED BY STAFF
	Case Number: 3255
	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: 38 Greenwood Avenue
	Assessor's Map Sheet, Block, & Lot: Map 25 Block 335 Lot 5
	R-1
	Overlay District.
	OWNER OF RECORD (S) (print & sign): TAD Assoc. c/o Donald Mullaney
	(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: 38 Greenwood Avenue
	Norfolk County Registry of Deeds Book and Page No. BK 11100 Pg 553
	Or registered in Land Registration Office under Certificate No.
	NAME OF APPLICANT (S) (print & sign): Aldon Electric, Inc. c/o Donald Mullaney
	Applicant's Address: 38 Greenwood Avenue Weymouth
	Contact Information: Email D.Mullaney@Aldonelectric.com Phone 617 908 0674
	Check if you are an: owner(s) lessee(s) optionee (s)
	NAME & AFFILIATION OF REPRESENTATIVE:
	Address: 9 Barstow Lane Rockland, MA
	Contact Information: Email gt@patriotpermitting.com Phone 617 827 0851
	NAME OF ENGINEER AND / OR ARCHITECT: Gregory Tansey Patriot Permitting
	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.
t	(we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that he statements within my (our) application are true and accurate to the best of my (our) knowledge.
Ī	Applicant / Petitioner - Date (sign & print)
٧	Veymouth Zoning Board Application, Revised November 2014 Page 1 of 6

NATURE OF REQUEST
Application is for:Special Permit Variance Amendment Other:
Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought): 120-40 Extention of an existing non-conforming use or structure. 120-122
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.
 Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):
The property is currently being used as an electrical contractor's yard for Aldon Electric, Inc.; the property is improved by an office building that Aldon Electric, Inc. operates from.
 The applicant seeks to (describe what you want to do on the property in as much detail as possible):
The applicant seeks to construct a new accessory building in the rear yard for dry storage of inventory parts. The accessory building will replace several storage trailers currently on site used to store inventory parts.
 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).
120-40
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).
Yes, 1995 Section 120-40& 40A Section 6 finding Aldon Electric, IncApplicant 1972 Section 120-40 South Shore Heating & Plumbing-Applicant 1952
Any other additional information as relevant to the Variance or Special Permit:

The permit will greatly improve the neighborhood.

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.

Yes, the proposed use is is only a modest expansion of the use that has been in existence since 1995. Similar commercial uses have been conducted on the premises dating back to the 1950's.

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

No, the proposed structure will have a residential look to it. It be a wood frame structure with an asphalt shingle roof located in the rear of the lot. The structure will not be very visible from the street or abutting properties.

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

No, the proposed structure will improve the site conditions by moving inventory parts from the existing portable storage trailers into the proposed structure thus negating the need for the existing storage trailers and any potential nuisances associated with them. The trailers will be removed from the site when the proposed structure becomes operational. The proposed structure will not increase or alter any vehicular or pedestrian traffic nor will it result in any hazard to vehicles or pedestrians.

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

Yes, only electrical power will service the proposed structure for internal lighting. The proposed structure will be used for cold storage of inventory parts only, no heating or plumbing will be used in this structure.

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

Yes, the proposal will result in improved aesthetics on the site and will result in a neater cleaner and more efficient loading and distribution of inventory parts.

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):

The proposed structure is a commercial accessory storage structure in an R-1 District. Commercial use is an existing non-conforming use.

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

The locus has been a commercial use for at least 20 years. The project proposes a new structure conforming to all applicable setback requirements.

 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.

No, zoning relief has been granted through the decades on this property for various business enterprises. Records go back to 1952.

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

The proposed accessory structure will meet the current zoning setbacks and will not be more detrimental to the neighborhood.

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 current parking situation will remain un-altered by the proposed structure as it will not create additional parking requirments.

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 proposed structure will have a residential appearance and will serve to eliminate the need for the unsightly storage trailers currently parked on the site.

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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 REQUIREMETNS 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.

BOARD OF ZONING APPEALS RECORD OF MINUTES AND PROCEEDINGS AUGUST 24, 1995

RECEIVED

Oct 5 | 21 Ah '95

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Thursday evening, August 24,01995 at MASS. Weymouth Town Hall, 75 Middle Street, Weyumouth, MA at 7:30 P.M. for the purpose of passing on the applications of certain persons whose petitions were properly before the Board. Notice of the public hearing had been given by mail to the parties in interest of the subject locus and by publication in the WEYMOUTH NEWS on 8/2 & 8/9/95.

Present for the Board:

William F. Kilroy, Chairman Jackee A. Nickerson, Secretary Paul W. McHugh Robert L. Quindley Paul M. Dello Tacono

The Chairman called the meeting to order and explained the procedure which would be followed to the people present.

ZBA CASE #2311 - 38 GREENWOOD AVENUE - 8/24/95

APPLICATION OF THOMAS LEE AND ALLEN MULLANEY for property located at 38 GREENWOOD AVENUE shown on 1995 Weymouth Assessor's Map as SHEET 25, BLOCK 335, LOT 5 containing 41,900+/- sq. ft. with frontage of 217.52+/- ft. in an R-1 (Residential) Zoning District, seeking relief and/or approval from CHAPTER 120, ARTICLE 8, SUBSECTION 120-40 Extension of Change by special permit, 25, 120-122 Special Permits OF THE TOWN OF WEYMOUTH ZONING BY-LAWS, for a SPECIAL PERMIT and/or a DIMENSIONAL VARIANCE seeking permission to change the existing non-conforming use of the premises in a R-1 zoning district from plumbing and heating contractor to plumbing contractor and electrical contractor as per plan submitted. (All measurements more or less.)

Attorney Edward J. Richardson, 51 Columbian Street was present with the applicants Thomas Lee and Allen Mullaney to explain the nature of the petition to the Board.

Counsel explained that the applicants have a purchase and sale agreement with Richard Clifford which is contingent upon the decision of this Board granting them an extension of a non-conforming use to conduct their plumbing and electrical contractor business from this location.

The current major tenant on the premises is South Shore Heating. This company is a plumbing and heating contractor who uses a lot of propane gas in his business along with doing a lot of sheet metal work.

ZBA CASE 2311 - 38 GREENWOOD AVENUE - 8/24/95

The applicants are plumbing and electrical contractors and would not be involved with duct or sheet metal work. This is a straight use change under 120-122 and 120-40 requiring a Special Permit.

The applicants propose a significant upgrade of the physical condition of the property along with some of the layout of the property.

The applicants propose to make the following changes to the site. They mean to upgrade the property and make it a credit to the neighborhood by removing all debris in the rear parking spaces and eliminating these spaces, removing the delapidated metal propane storage building on the site, a six (6') foot chain link fence with a gate will be installed to secure the storage area to the rear of the property, storage of non hazardous materials (iron piping ect.) will be stored in this area, the stockade fence abutting the neighbors will be repaired/replaced and maintained.

The building is divided between the plumbing and electrical services. The first floor level will be used for office space, the lower level will be used as a work area. Visitor and handicap parking will be located at the front of the building and employee parking will be to the side and rear of the building.

The proposed change of use meets the criteria of Chapter 40A Section 6 for a change of non-conforming use. The proposed use is not substantially more detrimental than the existing use. The applicant feels that the proposed use coupled with the proposed improvements meet the criteria of Section 120-122. This is an appropriate location for the intended use, it will not be detrimental to neighborhood it will in fact be an improvement, there will be no serious hazards to pedestrians of vehicular traffic because the applicants are providing a loading zone in hopes of pulling traffic of the street and providing off street parking for their employees and visitors, there are existing facilities on the site, the public welfare will be substantially served by upgrading the site.

Paul W. McHugh was concerned with the 120' width for the driveway especially in a residential area, it shows the fence being removed which leaves the area in front of the building a big parking lot. This is too big an opening for a residential zone.

The Chairman wanted to know how many employees would be working on the site.

ZBA CASE #2311 - 38 GREENWOOD AVENUE - 8/24/95

Mr. Lee informed him that there is approximately 7 full time employees on the job site during an average work day.

Jackee A. Nickerson wanted to know if the loading dock could be moved to the rear and eliminnate deliveries at the front of the building, he also wanted to know the hours of operation.

Counsel informed the Board that most deliveries are made to the job sites and those deliveries to this proposed site are made by U.P.S. or similiar delivery service. The normal hours of operation are Monday through Saturday 7:00 a.m. to 6:00 p.m.

There was no one present in favor of the granting of the application.

Opposed to the application were Jean and William Satterlee, 41 Greenwood Ave., Betsy Doane, 28 Greenwood Ave., who were concerned with increased traffic on the street, the outside storage and the propane tanks.

Robert L. Quindley wanted to know what the sheet metal shop was going to used for also the machine shop and the location of the open lot storage area.

Counsel informed him that the sheet metal and machine shop sheds were to be used for storage. The open storage area would be located in the area of parking spaces 15 through 19.

A motion to close the public hearing was made by Jackee A. Nickerson which was seconded by Paul M. Dello Iacono and UNANIMOUSLY VOTED. A subsequent motion to grant a Special Permit under Subsection 120-40 with conditions was made by Paul M. Dello Iacono which was seconded by Robert L. Quindley.

FINDINGS:

The Board found that the Special Permit would not derogate from the intent and purpose of the Zoning By-Law or be a detriment to the public good. The Board further found that Subsection 120-40 had been satisfied as the requested relief would not be substantially more detrimental to the existing or future character of the neighborhood.

OARD OF ZONING APPEALS lilliam F. Kilroy, Esq. Chairman

Jackee A. Nickerson Secretary

Edward J. Sweeney Clerk





75 Middle Street East Weymouth, Mass. 02189 Tel. 335-2000

THE TOWN OF WEYMOUT	Н	
	Date Case No.	OCT 5 1995
Dear Sir or Madam:		
At a meeting of the Board of Zoning Appeals held on the appeal of Thomas Lee and Allen Mullaney was considered.	August 24	, 1995
The following vote was made:Unanimously voted to with conditions.	grant a Sp	ecial Permit
Notice is further given that any person aggrieved by the according to General Laws, Chapter 40A, Section 17, and safiled with the Town Clerk within 20 days after the filing case with said Clerk.	aid appeal	if any must be
	William F. Chairman	m. F. Kelson
	Jackee A.	Nickerson
	Secretary	

ZBA CASE #2311 - 38 GREENWOOD AVENUE - 8/24/95

DECISION OF THE BOARD

The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings it was UNANIMOUSLY VOTED:

PETITION GRANTED FOR A SPECIAL PERMIT UNDER SUBSECTION 120-40 FOR PROPERTY LOCATED AT 38 GREENWOOD AVENUE SHOWN ON 1995 WEYMOUTH ASSESSOR'S MAP AS SHEET 25, BLOCK 335, LOT 5 TO CHANGE THE EXISTING NON-CONFORMING USE TO A PLUMBING CONTRACTOR AND ELECTRICAL CONTRACTOR USE AS PER PLAN SUBMITTED WITH CONDITIONS:

- There will be no sale of propane fuel and the existing propane shed shall be demolished.
- 2. There shall be no sheet metal work performed on the site.
- 3. The fencing shall be replaced and/or repaired and maintained.
- There shall be no tractor trailer deliveries made at the front of building.
- All piping shall be neatly stacked on racks in the storage area.
- The gates on the 6' chain link fence shall be secured at night.
- All fencing and landscaping shall be maintained.

ZBA CASE #2311 - 38 GREENWOOD AVENUE - 8/24/95

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William	F.	Kilroy,	Chairman	

Jackee A. Nickerson, Secretary

Paul M. Dello Iacono

Paul W. McHugh

Robert L. Ouindlev

TOWN OF WEYMOUTH **BOARD OF ZONING APPEALS**

75 Middle Street Weymouth, MA 02189 Telephone:(617)335-2000 FAX:(617)335-3283



Case #:

Chairman: William F. Kilgoy Secretary: Jackee A. Nickerson

Fee:

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WEYMOUTH, MASS.

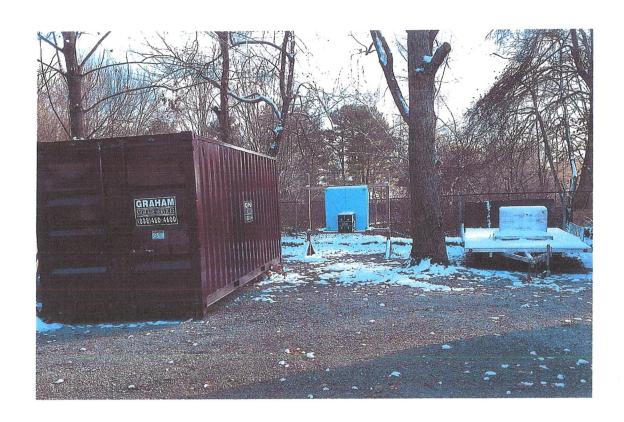
(This application must be submitted in person for review and approval to the Inspector of Buildings and then filed with the Town Clerk, Town Hall, 75 Middle Street, Weymouth, MA 02189.)

PETITION TO THE BOARD OF APPEALS FOR VARIATION FROM THE REQUIREMENTS OF THE ZONING BY-LAW

To the Board of Zoning Appeals, Weymouth, MA.
PETITIONER: Thomas Lee and Allen Mullaney
NATURE OF APPEAL / PETITION: Appeal from decision of Inspector of Buildings X Application for Special Permit Application for Variance
LOCATION AND ZONING DISTRICT: 38 Greenwood Avenue 25-335-5 R-1 (No.) (Street) (Sheet, Block, Lot/s) (Zoning District)
PROVISIONS OF ZONING BY-LAW INVOLVED: 120-40 Extension or change of non-conforming use by Special Permit and 120-122 special permits.
REASONS WHY SPECIAL PERMIT OR VARIANCE SHOULD BE GRANTED AND SPECIFIC MANNER IN WHICH SUBJECT MATTER VARIES FROM ZONING BY-LAW:
See attached Sheet Exhibit "A"
(Has permit or request for enforcement been refused by the Inspector of Buildings or by any other Officer as provided) (Date of Refusal)
DATE: 7/2/6 SIGNED: (PONNO) PONNO (PONNO) Edward J. (Richardson
(Mailing Address) 51 Columbian Street, So. Weymouth, MA
(Telephone)
NAME, ADDRESS, AND TELEPHONE OR ATTORNEY (if applicable)
FOR DEPARTMENTAL USE ONLY:
Notice of Hearing on sent to appellant on by

LEGAL NOTICE WORKS. ET BOARD OF ZONING APPEALS

Application of Thomas Lee and Allen Mullaney
(Name of Owner or Authorized Representative)
for property located at 38 Greenwood Avenue, Weymouth, MA
shown on the 199 Weymouth Assessor's Map as SHEET(S) 25, BLOCK(S), 335, LOT(S) 5
and containing 41,900 to sq. ft. with a frontage of 217.52 to ft.
in a R-1 () Zoning District, seeking relief and / or approval from
CHAPTER 120, ARTICLE XIII , SUBSECTION 120- 40° Extension or change by special permit (complete subsection number, title, and description)
" XXV , 120- 122, Special permits (complete subsection number, title, and description)
", 120 (complete subsection number, title, and description)
", 120(complete subsection number, title, and description)
(complete subsection number, title, and description)
of THE TOWN OF WEYMOUTH ZONING BY-LAWS, for a SPECIAL PERMIT and / or a DIMENSIONAL VARIANCE seeking permission to change the existing non-conforming use of the premises in a R-1 district from plumbing and heating contractor to plumbing contractor and electrical contractor.
as per plans submitted (All measurements more or less).
DATE SUBMITTED: SIGNED: (Petitioner or Legal Representative)
FILING FEE: 51 Columbian Street (Mailing Address)
AD FEE ENCLOSED: South Weymouth, MA 02190 (617) 335-1140 (Telephone)
FOR DEPARTMENTAL USE ONLY:
Tentative Hearing on sent to WEYMOUTH NEWS on by







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ALDON ELECTRIC 38 GREDWOOD ARE, MEYMOUTH, NA 02189

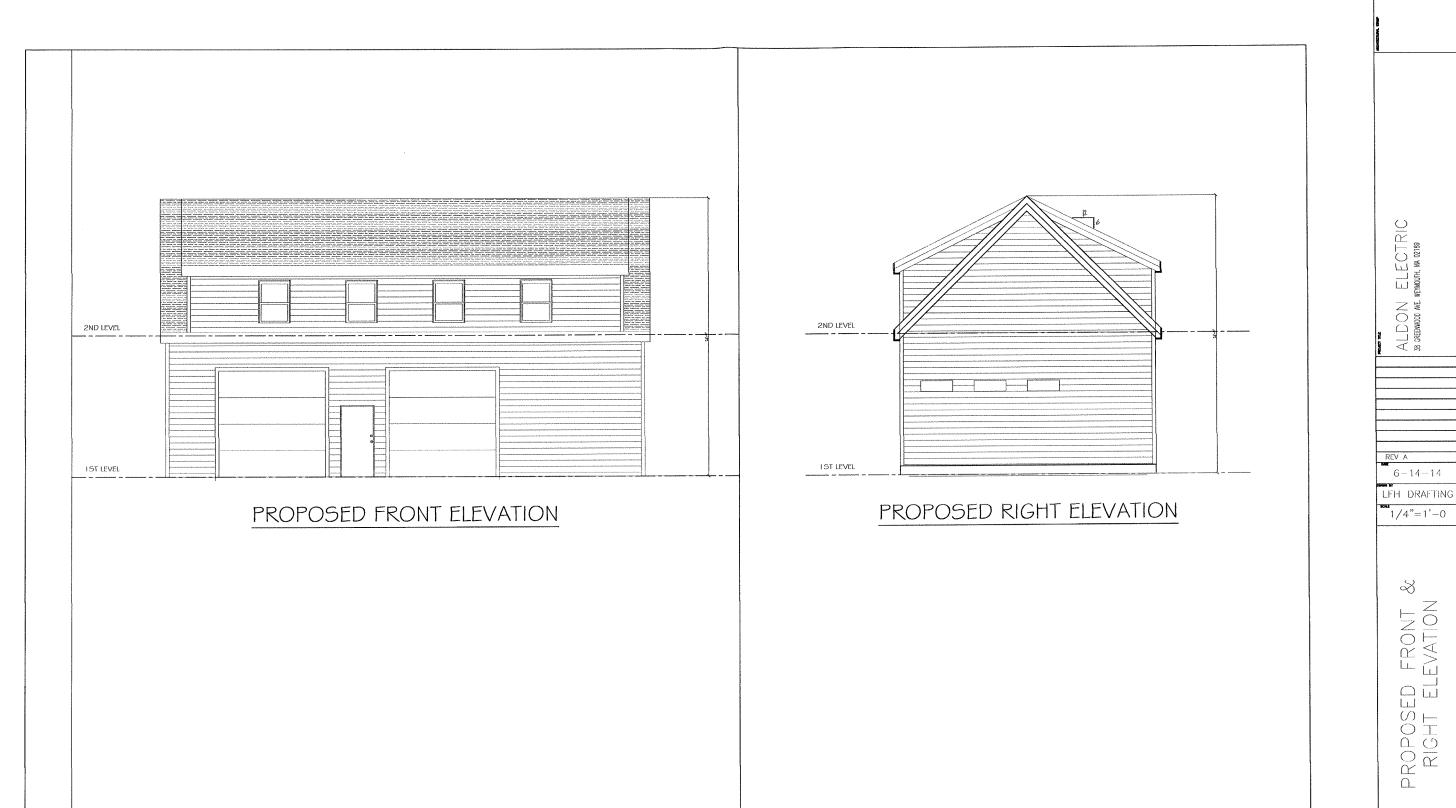
REV A 1-31-15 6-14-14

LFH DRAFTING

1/4"=1'-0

PROPOSED 1ST & 2ND FLOOR

A1



PROPOSED FRONT RIGHT ELEVATION

A2



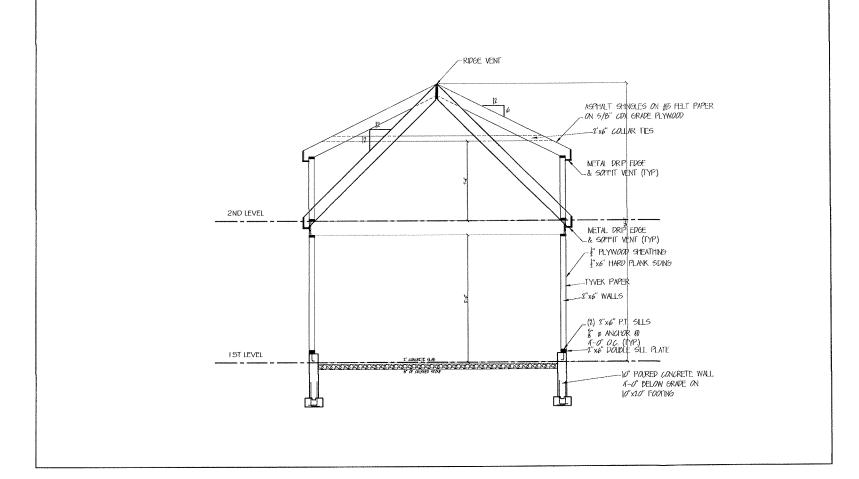
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PROPOSED FRONT RIGHT ELEVATION

A3



PROPOSED FRONT ELEVATION



SENERAL NOTE:

1. CONTRACTOR TO VERIFY CONDITION OF EXISTING STRUCTURE AND CAPACITY OF EXISTING STRUCTURE TO SUPPORT NEW CONSTRUCTION/ADDITION PRIOR TO CONSTRUCTION

NEW CONSTRUCTION NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL LOCAL AND STATE CODES
 AND REGULATIONS, INCLUDING, BUT NOT LIMITED TO STATES 9TH EDITION OF THE MASSACHUSETTS STATE
 BUILDERS CODE.
- 2. CONTRACTOR SHALL VERIFY ALL PLAN DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION.
- 3. DO NOT SCALE DRAWINGS ALWAYS REFER TO WRITTEN TEXT AND DIMENSIONS.
- 4. DIMENSIONS ARE TO FACE OF FINISHED WALL OR FACE OF EXTERIOR SHEATHING.
- 5. PROVIDE CLOTHES ROD & SHELF NEW CLOSET
- 6. LVL"S, I JOIST, & ENGINEERED LUMBER PER SPEC. (ENGINEER)
- 7. SMOKE & CO SENSORS PER CODE (UPGRADE ALL)
- 8. REFER TO KITCHEN DESIGNERS PLANS FOR CABINET LAYOUTS

FOUNDATION NOTES

1. ASSUMED SOL BEARING CAPACITY IS 4000PSF. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000PSI @28 DAYS.

LUMBER NOTES

- 1. ALL HEADERS @EXTERIOR WALLS SHALL BE (2) 2"x10" UNO
- 2. HEADERS @ INTERIOR PARTITIONS AS FOLLOWS LESS THAN 4-0" = (2) 2"X6" 4'-0" - 6'-0" = (2)2"X8" 6'-0" - 9'-0" = (2)2"X10"

MATERIAL NOTES

1/2" BLUE BOARD 1/2" PLY-WALL/ROOF 3/4" T&G SUB FLOOR 5/8" FIRECORE MAINTAIN EXIST. @ GARAGE WALL

INSULATION NOTES

R30 1ST. FLOOR R19 1ST FLOOR CEILING(SOUND) R38 2ND FLOOR CEILING R15 WALLS EXISTING ALDON ELECTRIC
38 GREDWOOD ARE NEWBOUTH, NA 02/183

REV A 6-14-14 6-14-14

1/4"=1'-0

OTES AND DETAIL

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