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

2023 SEP 12 PM 3: 57

TO BE COMPLETED BY STAFF

Case Number: 3513

Submittal Accepted: _____

Signature of Planning Dept. Staff for minimal requirements

Date

9/12/23

Town Clerk Stamp

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: 881, 899 & 909 Broad St & 1404 & 1406 Commercial St

Assessor's Map Sheet, Block, & Lot: 23-305-1-0, 23-305-10-0, 25-305-9-0, 25-305-11-0 & 25 -305-4-0

Zoning District: B-2

Overlay District: LJSD

OWNER OF RECORD (S) (print & sign): 909 Broad Street 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: 1 Franklin Street, Unit 2308, Boston, MA 02110

Norfolk County Registry of Deeds Book and Page No. Bk37384/324 & Bk37384/384

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): 909 Broad Street LLC

Applicant's Address: 1 Franklin Street, Unit 2308, Boston, MA 02110

Contact Information: Email eric.papachristos@gmail.com Phone c/o 617 472-5100

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Edward Fleming, 85 Clay Street, Quincy, MA 02170 - Attorney

Contact Information: Email efleming@flemingpc.com Phone 617-472-5100

NAME OF ENGINEER AND / OR ARCHITECT: McKenzie Engineering/Embark

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.

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):

Section 120-24.41 (Intensity of Use)

Section 120-25.42 (Parking)

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):

The properties at 881, 899, 909 Broad Street and 1404 & 1406 Commercial consist of commercial structures used for a variety of commercial uses, including a restaurant.

2. 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, five story mixed use buildings on the subject property in accordance with the development plans submitted herewith. The new mixed-use buildings will consist of commercial use and garage on the grade level and Sixty-Three (63) residential units on the upper four floors.

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).

The mixed use commercial with residential above is permitted as a matter of right new Jackson Square Village Center overlay district in accordance with 120-25.37-44 and Site and Design Criteria for Jackson Square.

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).

No

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

There is significant additional parking available in a municipal parking lots in close proximity to the proposed development site as well as on street parking.

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	Mixed use	Formerly Commercial	Mixed use
Lot Area / Size (Sq. Ft.)	N/A	26,522	26,522
Dwelling Units		0	63
Frontage (ft.)	N/A	225.69	225.69
Lot Width (ft.)	N/A	225.69	225.69
Front Yard Setback (ft.)	N/A		Modal
Front Yard Setback (ft.) – corner lots	N/A		Modal
Side Yard Setback (ft.)	N/A		20
Side Yard Setback (ft.)	N/A		6.7
Rear Yard Setback (ft.)	N/A	N/A Corner lot	N/A Corner lot
Height (ft.) & # of Stories	60' - 5 stories		58.7 - 5 stories
Lot Coverage	80%		77%
Off-Street Parking Spaces			28 (+47 via easement)
Off-Street Loading Spaces	1	N/A	1
Parking Setback	5	N/A	N/A
Accessory Structure Setback	N/A	N/A	N/A
Landscaping	>10	N/A	See Plan
Floor Area Ratio	N/A	N/A	2.68
Signage	Building	N/A	Building/Address
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.

Yes, the property is located in Jackson Square Village overlay district, which was created to encourage mixed use and multifamily development. The property is located on the main commercial roadway serving Jackson Square community and is in close proximity to the commuter rail and other amenities.

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

No, in fact, the proposal is in conformity with the Jackson Square Master plan and the intent of the Village center overlay district. The proposal provides for new commercial retail space and residence to add vibrancy to the Landing. It provides for adequate parking and residential living within close proximity to public transportation and Landing amenities.

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

The proposal will not cause any hazard to vehicles or pedestrians by providing safe and controlled access to the site parking area and garage. The egresses provided appropriate site lines and warning devices will be installed to ensure pedestrian safety for exiting vehicles.

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

The applicants site engineer, Site Tech, has conducted a complete analysis of existing utilities and public services and has provided for information and upgrades to the facilities, which will be reviewed by Weymouth departments to ensure appropriate facilities for the proposal. The development team has also been in regular communication with the City administration and departments, State officials, to ensure for safety for the Herring Run.

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

Yes, the proposal will provide for improved retail space on Commercial Street in conformity with Weymouth Master plan for the Jackson Square as well as first class, transit oriented housing within close proximity to Jackson Square businesses and amenities and the commuter rail. These new residents will provide business to Jackson Square retail business community with limited impact on vehicular traffic through the use of public transportation.

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):

N/A

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

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.

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

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

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:

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.

Literal enforcement of the ordinance would create substantial hardship and would render the proposal unfeasible. The Site consists of difficult soil conditions and challenging site conditions that make the proposal extremely expensive. The site abuts the Herring Run, which requires significant environmental protection and expenses. These challenges result in substantial additional costs and make full compliance with the ordinance extremely burdensome.

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 unusual shape of the parcel, difficult soil conditions and challenging site conditions create numerous hardships that make full compliance with the zoning ordinance extremely difficult and burdensome. The site is adjacent to the Herring Run and has difficult soil conditions. These difficult conditions all impact the proposed construction and cause substantial financial burdens, which make full compliance with the ordinance extremely burdensome.

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.

In many respects the proposal complies with the Town's ordinance and adds much improved retail and new residential to the Jackson Square area, however, site conditions make full compliance with the ordinance extremely burdensome. Variances from aspects of the ordinance, including Intensity of Use, and strict compliance with the parking requirement may be granted without detriment to the public good. Appropriate retail and residential architectural elements will be incorporated into the plan, landscaping will be provided with the border of the Herring Run, and ample parking is available in the adjacent residential building by way of an easement as well as adjacent municipal parking lot. Overall the proposal complies with the intent of the new Jackson Square Village overlay district and Master Plan.

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.

N/A

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.