

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

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

2020 AUG 25 PM 12:11

TO BE COMPLETED BY STAFF

Case Number: 3420

Town Clerk Stamp

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: 110-140 MAIN STREET

Assessor's Map Sheet, Block, & Lot: 29/329/7, 29/329/10, 29/329/12, 29/329/15, 29/329/21

Zoning District: Business District B-1 Overlay District: Commercial Corridor

OWNER OF RECORD (S) (print&sign): RK Weymouth 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: 50 CABOT STREET, Suite 200, Needham, MA 02494

Norfolk County Registry of Deeds Book and Page No. _____

Or registered in Land Registration Office under Certificate No. see attached 2019 ALTA survey for title information

NAME OF APPLICANT (S) (print&sign): _____

Applicant's Address: RK Weymouth LLC, 50 Cabot Street, Suite 200, Needham MA 02494

Contact Information: Email DBaker@RKCenters.com Phone 508-272-5156

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

NAME & AFFILIATION OF REPRESENTATIVE: Frank A. Marinelli, Esq. Marinelli Law Office

Address: 438 Washington St., Braintree, MA 02184

Contact Information: Email Frank@Fmarinellilaw.com Phone 617-650-4000 / 781-849-0400

NAME OF ENGINEER AND/OR ARCHITECT: JESSE JOHNSON, P.E. BOHLER ENGINEERING

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.

David A. Zebec (Agent/Manager)
Applicant / Petitioner - Date (sign & print)

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 - 24(D), 120-40 (parking analysis), 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.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

existing retail shopping center: Rockland Trust, approx 2325 s.f.; Comcast/Xfinity, approx 2,500 s.f.; Precinct 10 Restaurant, approx 9,000 s.f.; Leslie Pool, approx 5,240 s.f.; Fitworks, approx 4,100 s.f.; Dollar Tree, approx 16,200 s.f.; proposed Stop & Shop/Peapod, approx 49,400 s.f.; proposed Ocean State Job Lot, approx 40,000 s.f.; US Renal, approx 10,000 s.f.

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

Subdivide approx 189,000 s.f. into Ocean State Job Lot (approx 40,000 s.f.), a retail use by right, and Stop & Shop/Peapod (approx 49,000 s.f.); Stop & Shop/Peapod requires Special Permit approval under 120-24(D), 120-40 parking analysis, 120-122 special permit criteria.

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).

120-24(D), 120-40, 120-122

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).

N/A

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

Proposal meets criteria for issuance of requested Special Permit. Parking provided is in excess of minimum required.

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.)	- see site plan zoning legend.		
Dwelling Units			
Frontage (ft.)	- No proposed increase in building footprint - no change		
Lot Width (ft.)			
Front Yard Setback (ft.)	- special permit is for "use" (Shop & Shop Repod operation) of existing 49,000 s.f. (rear section)		
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.

Yes. Location is an existing permitted shopping center, B-1 commercial zone. Peapod will occupy approx 49,000 s.f. of existing space (rear section) Ocean State Job Lot (traditional retail use by right) will occupy approx 40,000 s.f. (front section) of existing 89,000 s.f.

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

No. Ingress, egress, circulation routes have existed for 25+ years and no changes are proposed.

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

No (see No. 2 above).

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

Yes (see No. 2 above).

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

Yes. This proposal constitutes adaptive re-use of existing vacant structure, which is good for the environment. commercial Peapod will provide critical services of public convenience and welfare, particularly in light of COVID-19.

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):
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.
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.