

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION - APPEAL of the INSPECTOR OF BUILDINGS  
1650-1654 MAIN STREET**

(To be mailed forthwith to the owner and applicant, if not the owner.)

<b>Owner:</b>	Ronald D. Perry, Trustee	<b>Date:</b>	March 26, 2018
<b>Address:</b>	161 Tudor Street #4 South Boston, MA 02127		
<b>Applicant:</b>	Habit Opco, LLC	<b>Case #:</b>	3347
<b>Address:</b>	c/o Anthony Ruscella 6100 Tower Circle, Suite 1000 Franklin, TN 37067		
<b>Representative:</b>	KP Law	<b>Site Address:</b>	1650-1654 Main Street
<b>Address:</b>	J Silverstein, Carolyn Murray 101 Arch Street Boston, MA 02110	<b>Sheet:</b>	61
		<b>Block:</b>	641
		<b>Lot:</b>	24

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**Zoning District: B-1**

An Appeal application filed on December 15, 2017, to appeal a determination of the Inspector of Buildings dated November 17, 2017, issued to Acadia Healthcare, with respect to parking requirements at 1650-1654 Main Street.

After a public hearing on January 24, 2018, advertised in the Weymouth News on January 10, and January 17, 2018, the Board of Zoning Appeals at its meeting of January 24, 2018:

**VOTED TO DENY THE APPEAL** of the Determination of the Inspector of Buildings regarding property at 1650-1654 Main Street and uphold the Determination of the Inspector of Buildings that, per Sections 120-69 and 120-74 of the Town of Weymouth Zoning Ordinance, adequate parking is not available at the proposed site to permit the proposed use.

Further, the Board found the following:

1. Parking requirements for the proposed use, medical office, are specifically referenced in Section 120-74 of the Town of Weymouth Zoning Ordinance. Per that Section, 1 parking space is required for each 100 square feet of gross building area. The proposal to convert all (4,700 sf) of the existing structure for medical office use would require 47 parking spots. The site plan submitted only provided for, at most, 40 spaces, a deficiency of 7 spaces. The applicant argued for approval of even fewer parking spaces.
2. The Board also found that, given the stated volume of daily patients and the location of the site on a heavily travelled main road, a reduction of 15% of the required parking did not constitute a reasonable accommodation under the Americans with Disabilities Act (ADA).

3. The Board also found that allowing off-site parking, located in another community, similarly did not constitute a reasonable accommodation under the ADA for several reasons. First, off-site parking to fulfill required parking is not permitted in this zoning district, but allowed in other districts within the Town. Second, the proposed off-site parking had not been allowed by the neighboring community.

Decision filed with the Town Clerk on March 26, 2018

**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.



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Robert J. Luongo, Director of Planning and Community Development