



TOWN OF WEYMOUTH 2022 FEB -4 PM 2:34
BOARD OF ZONING APPEALS APPLICATION

TO BE COMPLETED BY STAFF

Case Number: 3473 Town Clerk Stamp
Submittal Accepted: [Signature] Date 2-4-22
Signature of Planning Dept. Staff for minimal requirements
Determined to be complete and may now be filed with Town Clerk: [Signature]
Signature of Principal Planner or Director

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 809 Main Street, 19 Cypress Street, 0 Cypress Street

Assessor's Map Sheet, Block, & Lot: Map 45, Block 515, Lots 4, 5 & 15

Zoning District: MS and R-1 Overlay District: WPD

OWNER OF RECORD (S) (print & sign): MK Main Street, LLC and MK Charles 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: 785 Hancock St, Quincy, MA 02170

Norfolk County Registry of Deeds Book and Page No. 28750/129; 35544/111

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): McDonald Keohane Funeral Home, Inc.

Applicant's Address: 809 Main Street, Weymouth, MA 02190

Contact Information: Email dennis@keohane.com Phone 781-335-0045

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

NAME & AFFILIATION OF REPRESENTATIVE: Jeffery A. Tocchio, Esq., Drohan Tocchio & Morgan, PC

Address: 175 Derby Street, Suite 30, Hingham, MA 02043

Contact Information: Email jtocchio@dtm-law.com Phone 781-749-7200

NAME OF ENGINEER AND / OR ARCHITECT: Crocker Design Group / Dennis J. Swart Architecture

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.

[Signature] 2/4/2022
Applicant / Petitioner - Date (sign & print) Jeffery A. Tocchio, Counsel to Applicant and Owners of Record

NATURE OF REQUEST

Application is for: X Special Permit Variance Other:

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

The Applicant seeks a Special Permit under § 120-13.A (as in effect on December 2, 2021), §120-22.12.A, and § 120-40 to the extent applicable, and such other relief as deemed necessary for the alteration/extension of the existing Licensed Funeral Establishment and construction of related accessory structure(s) and site improvements.

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):

Please see attached Supplement.

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

Please see attached Supplement.

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).

Please see attached Supplement.

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).

Please see attached Supplement.

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

Please see attached Supplement.

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		Funeral Home	Funeral Home
Lot Area / Size (Sq. Ft.)	N/A (MS) / 25,000 (R-1)	123,086± SF (2.83± acres)	123,086± SF (2.83± acres)
Dwelling Units	N/A	N/A	N/A
Frontage (ft.)	60' (MS) / 40' (R-1)	246'	246'
Lot Width (ft.)	60' (MS) / 120' (R-1)	132.6'	132.6'
Front Yard Setback (ft.)	20' (MS) / 18' (R-1)	162.7'	162.7' / 40.1' (accessory)
Front Yard Setback (ft.) – corner lots	N/A	N/A	N/A
Side Yard Setback (ft.)	10' (MS) / 10' (R-1)	68.4' / 8.9' (accessory)	52.4' / 46.5' (accessory)
Side Yard Setback (ft.)	-	-	-
Rear Yard Setback (ft.)	N/A	N/A	N/A
Height (ft.) & # of Stories	3 stories / 45' (MS) 2.5 stories / 35' (R-1)	2 stories / 31.9'	2 stories / 31.9' (MS) 2 stories / 24' (R-1)
Lot Coverage	75% building & paved (MS) 30% building (R-1)	62% building & paved (MS) 10% building (R-1)	70% building & paved (MS) 5% building (R-1)
Off-Street Parking Spaces	1 / each company vehicle; plus 1 / 3 seats in mtg room	84	117
Off-Street Loading Spaces	N/A	N/A	N/A
Parking Setback	≥15' from street (MS) / out of front setback (18') (R-1)	28' from street (MS)	28' from street (MS) / 60±' (R-1)
Accessory Structure Setback	N/A (MS) / 5' (R-1)	N/A	40.1'
Landscaping	25% min. (MS) / N/A (R-1)	38±% (MS) / N/A (R-1)	30±% (MS) / N/A (R-1)
Floor Area Ratio	N/A	N/A	N/A
Signage	N/A	N/A	N/A
Other:	N/A	N/A	N/A

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.

Please see attached Supplement.

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

Please see attached Supplement.

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

Please see attached Supplement.

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

Please see attached Supplement.

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

Please see attached Supplement.

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):

Please see attached Supplement.

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

Please see attached Supplement.

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.

Please see attached Supplement.

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

Please see attached Supplement.

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

Please see attached Supplement.

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:

Please see attached Supplement.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

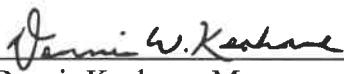
4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

Not applicable.

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.

**AUTHORIZATION
APPLICATION FOR SPECIAL PERMITS**


I hereby authorize Jeffery A. Tocchio, Esq. to file an Application for Special Permit under § 120-13.A (as in effect on December 2, 2021), § 120-22.12.A, and § 120-40 to the extent applicable, and such other relief as deemed necessary for the alteration/extension of the existing Licensed Funeral Establishment and related accessory structure(s) and site improvements for the properties at 809 Main Street, 19 Cypress Street, and 0 Cypress Street, in Weymouth, MA, on behalf of the Applicant, McDonald Keohane Funeral Home, Inc., and property owners, MK Main Street, LLC and MK Charles Street, LLC.



Dennis Keohane, Manager
MK Main Street, LLC



Dennis Keohane, Manager
MK Charles Street, LLC



Dennis Keohane, Treasurer and Director
McDonald Keohane Funeral Home, Inc.

**SUPPLEMENT TO APPLICATION FOR SPECIAL PERMIT
809 Main Street**

APPLICANT'S DESCRIPTION AND NARRATIVE:

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 subject property consists of 2.81± acres of land, with 246± linear feet of frontage on the west side of Main Street (Route 18) and 175± linear feet of frontage on the easterly side of Cypress Street (hereinafter, the "Property"). The Property is comprised of three (3) parcels – 809 Main Street, 19 Cypress Street, and 0 Cypress Street¹ – that were consolidated by the filing, on December 2, 2021, and endorsement of an Approval Not Required Plan (the "ANR Plan").² The Property is located in the both the Medical Services "MS" District and Residence "R-1" District, as well as the Watershed Protection District.

McDonald-Keohane Funeral Home, a Licensed Funeral Establishment under 239 Code of Massachusetts Regulations (CMR) 3.00 *et seq.*, is located at the property presently known as 809 Main Street. The Licensed Funeral Establishment is a 6,500± square foot Colonial Revival style house, originally constructed circa 1870, adapted for use as a funeral home.³ The property is improved with a non-conforming 1,228± square foot accessory garage located 8.9±' from the northerly side lot line (10' required), a non-conforming 80± square foot shed located 6.7±' from the previously-existing rear lot line (10' required), paved driveways and parking areas, and various

¹ The Property is shown on the Town of Weymouth Assessors Map 45, Block 515 as Lots 4, 5 and 15 thereon.

² Pursuant to M.G.L. c. 40A, § 6, ¶ 6, the use of the land shown on the ANR Plan shall be governed by applicable provisions of the zoning ordinance in effect at the time of the submission of such plan, and for a period of three years from the date of endorsement that approval under the subdivision control law is not required.

³ According to historical records, the building was originally constructed and occupied as a residence. Starting around 1930, the owner practiced dentistry in the house. The house was subsequently adapted for use as a Licensed Funeral Establishment in 1961.

landscape/hardscape features. Eighty-four (84) parking spaces are provided onsite for the existing Licensed Funeral Establishment. The existing site provides very limited stormwater capture, treatment and infiltration.

The property previously known as 19 Cypress Street is improved with a 2,200± square foot single-family dwelling with attached garage constructed in 1972. Stormwater surface flows from this property currently disperse onto Cypress Street. The property previously identified as 0 Cypress Street is unimproved.

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

A. Expansion of the Licensed Funeral Establishment.

The Applicant proposes an expansion/alteration of the existing Licensed Funeral Establishment in order to offer a better environment for families and individuals looking to host their loved one's funeral within the Licensed Funeral Establishment. The proposed project is intended to update and modernize the mortuary operation to accommodate the increasing trend toward cremation and more intimate services at a funeral home versus a traditional church service and burial. The existing Licensed Funeral Establishment currently accommodates both cremation and burial. However, as more families and individuals are requesting services in one day at a single location, the layout of the existing funeral home is not conducive to accommodate such funeral services. At present, funeral services are provided within the larger chapel area⁴ – a parlor within the Colonial Revival that was converted to such use in 1961 – that can comfortably

⁴ Pursuant to the requirements of 239 CMR 3.06(1)(b), "[e]very Licensed Funeral Establishment shall... include a chapel sufficiently large and sufficiently equipped for the conduct of an average funeral service; such chapel shall contain a minimum of 300 square feet of floor space."

accommodate less than 60 people for services; thus, requiring that additional attendees stand in the hallways and/or sit in other rooms unable to observe the service.

A single-story, ground-floor alteration/extension of the existing funeral home is proposed in order to construct (1) an attached 1,255± square foot transfer bay providing direct internal access to the building for a hearse in order provide an enclosed area for the removal of dead human bodies into the Licensed Funeral Establishment completely concealed from public view⁵, (2) a 2,840± square foot chapel area, with an interior retractable partition that allows the chapel to be divided into two areas, for viewings, “celebration of life” gatherings, bereavement functions and/or services, and (3) 2,112± square foot lobby and support area, including family planning rooms, bathroom facilities, kitchenette and storage. The proposed project also includes (1) construction of a detached 1,950± square foot garage, accessory to the funeral home use, and (2) construction of associated site improvements to add onsite parking and improve overall circulation and stormwater management. To facilitate the proposed project, the Applicant proposes the demolition of (1) a 636± square foot rear portion of the existing funeral home, (2) the non-conforming garage and shed at the property known as 809 Main Street, and (3) the existing dwelling and other existing site improvements at the property known as 19 Cypress Street.

The proposed 2,840± square foot chapel area will allow the Applicant to provide families and guests a single, modestly sized area that can comfortably accommodate funeral services. The new chapel area is proposed to include an interior retractable partition that allows the space to be divided into two areas; providing for a more intimate space within a partitioned area for a smaller

⁵ Pursuant to the requirements of 239 CMR 3.06(1)(g), “[e]very Licensed Funeral Establishment shall... make removals of dead human bodies into the Licensed Funeral Establishment completely concealed from public view.” To comply with this Regulation, the Applicant must currently undertake the transfers of dead human bodies behind a fence. The proposed attached transfer bay will allow for such transfers to take place in an enclosed private area internal to the Licensed Funeral Establishment.

group or facilitating an orderly transition from one area to another for a single service (e.g., receiving/viewing in one area and bereavement service and gathering in the other). The new construction will adhere to current Building and Fire Code requirements, featuring modern HVAC design, lighting and accessibility standards that were not available at the time of the 1961 conversion. Thus, the new chapel area will allow the Applicant to more adequately satisfy the needs of families and individuals, including those that desire to hold a single service for loved ones (or are not closely affiliated with a religious institution). The proposed project is not intended to result in an increase in the frequency of services, the number of attendees or the number of clients served.

The proposed addition and detached garage will utilize traditional exterior building materials; including new Hardie clapboard siding, PVC trim, 40-year architectural grade asphalt shingles, aluminum clad Pella windows, as well as “carriage style” garage doors for the attached transfer bay and detached accessory garage. Additionally, the Applicant intends to renovate the exterior of the existing Licensed Funeral Establishment with these same materials – in order to upgrade the appearance of the existing building and maintain aesthetic continuity with the proposed expansion.

B. Site Parking and Circulation Upgrades.

The Applicant proposes various site improvements as part of project in order to improve/increase parking and circulation. The Applicant proposes to maintain the two (2) existing curb openings along Main Street (Route 18) and to remove all existing access from Cypress Street – so that all access/egress for the Property will be via Main Street. The Applicant proposes to upgrade the parking areas and circulation to include twenty-nine (29) additional exterior parking spaces, and four (4) enclosed spaces for company vehicles – for a total of 117 parking spaces

(including 4 handicap accessible spaces) – accessed via one-way circulation through the site. This proposed reconfiguration will provide ample parking and better overall circulation of vehicles on-site.⁶ The proposed accessory garage at the “rear” of the Property allows for the Applicant to garage its vehicles away from the building in order to allow visitor/patron parking in closer proximity to the Licensed Funeral Establishment.⁷ The proposed attached transfer bay will provide direct internal access to the building for a hearse in order provide an enclosed area for the removal of dead human bodies into the Licensed Funeral Establishment, as required by 239 CMR 3.06(1)(g).

C. Stormwater Upgrades.

The proposed site improvements provide enhanced onsite stormwater management. The existing site provides very limited stormwater capture, treatment and infiltration. The stormwater upgrades include capturing and directing runoff to a proprietary ADS-StormTech subsurface chamber/infiltration system, with no discharge through the 100-year storm event.⁸ The Applicant’s investment in the 100-year storm event subsurface infiltration retention system goes well above what is required by the applicable regulations – which is simply to meet pre- versus post- peak rates of runoff for the site. The updated stormwater infrastructure will significantly improve water quality – compared to the existing condition which receives zero treatment of runoff – through the incorporation of isolator row and deep-sump catch basins. Additionally, Cypress Street currently lacks stormwater controls and ultimately discharges through an eroding swale

⁶ The Licensed Funeral Establishment successfully operates currently with 84 parking spaces; however, during larger funeral services additional parking off-site parking is necessary. The proposed additional exterior parking spaces and accessory garage spaces will allow for adequate parking to be provided on-site.

⁷ The Licensed Funeral Establishment has two (2) hearses and two (2) limousines that will be garaged onsite.

⁸ The Property is located in the Watershed Protection District and the existing funeral home facility has minimal groundwater recharge infrastructure. The stormwater improvements to the Property will increase capture, and retain, treat and infiltrate more runoff onsite. Thus, the proposed project will further the goals of the Watershed Protection District by improving upon the existing conditions.

toward abutting residential properties on the westerly side of Cypress Street. This project will reduce both rates and volumes of stormwater heading to Cypress Street from the site – thereby improving upon existing conditions on the street. This is proposed by installing six-foot diameter dry wells within the landscape area adjacent to Cypress Street and eliminating all impervious runoff currently discharging to Cypress Street.

D. Landscape and Lighting Upgrades.

The proposed site improvements provide extensive buffering to neighboring properties. The existing chain-link and vinyl fencing along the southerly property-line is proposed to be replaced with a solid, 6-foot high, natural cedar fence running the entire length of the southerly property-line, with the last section of fence immediately adjacent to Main Street (Route 18) to “scallop-down” to 42-inches to allow for improved sight distance for the abutting commercial property to the south. Solid, 6-foot high, natural cedar fence is also proposed along the retaining walls to the north, west and south of the “rear” parking area in order to shield headlights from affecting neighboring residential properties. Extensive plantings are proposed along the northerly, westerly and southerly property lines, as well as immediately adjacent to the building, as reflected on the Landscape Plans. Dark-sky compliant, shielded LED site lighting is proposed, that provides safe site illumination using the fewest possible fixtures, and resulting in no light-spill into abutting residential properties. Moreover, the Licensed Funeral Establishment typically closes at 8:00 p.m., with families leaving at 8:15 p.m. and lot lighting extinguished approximately 15 minutes later, at 8:30 p.m.

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 ANR Plan of the Property was filed on December 2, 2021 and endorsed on December 3, 2021. Pursuant to M.G.L. c. 40A, § 6, ¶ 6, the use of the land shown on the ANR Plan shall be governed by applicable provisions of the Weymouth Zoning Ordinance in effect at the time of the submission of such plan, and for a period of three years from the date of endorsement that approval under the subdivision control law is not required. As such, “Funeral Home” is a permitted use by Special Permit in both zoning districts, pursuant to Zoning Ordinance § 120-22.12.A, in the MS district, and § 120-13.A in the R-1 district. The Zoning Ordinance defines “Funeral Home” as “[a] place of business duly licensed by law for preparing the dead for burial and/or conducting funerals.” See Zoning Ordinance § 120-6.

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).

The Licensed Funeral Establishment has operated at the property since 1961, which predates the Town’s adoption of the Zoning Ordinance; and, thus, the requirement for a Special Permit for operation of such use. Additionally, the Licensed Funeral Establishment is regulated and licensed by the Commonwealth of Massachusetts Board of Registration in Embalming and Funeral Directing.

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

A Licensed Funeral Establishment serves a critical public health function and provides an invaluable service to the community. The existing Licensed Funeral Establishment has operated continuously in Weymouth for over 60 years. McDonald-Keohane Funeral Home is a well-respected member of the Weymouth and South Shore community and has been relied upon to serve generations of families at times of extreme grief and stress. The proposed project seeks to better

serve the community and future generations of families, by providing an improved environment to provide these essential funeral services. The proposed project is not intended to result in an increase in the frequency of services, the number of attendees or the number of clients served.

The Licensed Funeral Establishment is regulated by the Massachusetts Board of Registration in Embalming and Funeral Directing – which has promulgated specific requirements and regulations for the conduct of funeral directing. See 239 CMR 3.00 *et seq.* These Regulations include that:

- (i) No alcoholic beverages may be served in a Licensed Funeral Establishment, see 239 CMR 3.11(3)(a);
- (ii) No individual registered with the Massachusetts Board of Registration in Embalming and Funeral Directing (Board), or other agent or employee of any Licensed Funeral Establishment, shall prepare any food or beverages to be served in connection with any burial or funeral, see 239 CMR 3.11(3)(b); and
- (iii) No individual registered with the Board, or other agent or employee of any Licensed Funeral Establishment, shall serve any food or beverages in connection with any burial or funeral unless all of the following conditions are met:
 - (1) any food and beverages served in connection with any burial or funeral must be provided by a third-party vendor or supplier meeting the requirements of 105 CMR 590.000[]; ...
 - (3) there shall be no direct opening between the preparation room and any room where food or beverages are stored or served;

- (4) food and beverages shall be served in an area separate and apart from where dead human bodies are displayed and in a manner that does not interfere with public health; and
- (5) the Licensed Funeral Establishment shall be in compliance with all other applicable local, state, and federal laws. See 239 CMR 3.11(3)(c).

SPECIAL PERMIT APPLICATION

SPECIAL PERMIT FINDINGS OF FACT

1. Is the specific site an appropriate location for such use? Please explain.

Yes. The Property is located on the westerly side of Main Street (Route 18), a four-lane state highway, with two (2) existing curb-cuts along the Main Street frontage. A Licensed Funeral Establishment has operated at the site successfully since 1961. Uses proximate to the two access points include South Shore Hospital, Dana-Farber/Brigham and Women's Cancer, South Shore Health and a Massachusetts Eye and Ear facility. The Applicant's proposed project will allow for operational improvements and efficiencies to accommodate continuing community needs for funeral services. The Licensed Funeral Establishment is a low intensity use, and the proposed project has been designed to minimize potential impacts on neighboring residential and commercial uses. Additionally, the Applicant proposes to demolish two non-conforming structures, discontinue access to the Property via Cypress Street, and improve on- and off-site stormwater drainage.

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

No. The existing use and structure, and proposed alteration thereto, will not be detrimental or adversely affect the character of the neighborhood or Town as: (1) the Licensed Funeral Establishment use presently exists at the Property, and provides a critical amenity to the Weymouth community; (2) the use is entirely consistent with other uses within the Route 18 corridor in proximity to South Shore Hospital, Dana-Farber/Brigham and Women's Cancer, South Shore Health and a Massachusetts Eye and Ear facility; (3) all access is proposed via Route 18, and the existing access via Cypress Street is proposed to be terminated; (4) a funeral home is a low

intensity use; (5) the Applicant proposes extensive landscape buffering, natural cedar fencing and dark-sky compliant lighting to mitigate potential impacts; and (6) the Applicant has a demonstrated history of professional and responsible operations at this location and as a member of the Weymouth and South Shore Community. Additionally, proposed alterations to the existing building and improvements to the site will greatly enhance operational efficiencies and circulation over existing conditions. The Applicant proposes to construct an attached transfer bay to provide direct internal access to the building for the concealed transfer of human remains, add an additional twenty-nine (29) exterior parking spaces in order to provide adequate parking onsite, as well as provide enhanced circulation onsite. Moreover, the proposed project will eliminate the non-conforming garage and shed and complies with all dimensional requirements and provides all requisite buffers.

The overall design recognizes the need to respect adjacent and nearby residential uses, and continues the existing residential design elements and aesthetic into the R-1 portion of the Property. The detached garage incorporates residential design features, including Hardie clapboard siding, PVC trim, 40-year architectural grade asphalt shingles, aluminum clad Pella windows, and “carriage style” garage doors. The site design incorporates solid natural cedar fencing, common and appropriate to residential uses, as well as extensive landscape buffers that include red maple, white pine, western arborvitae, red oak, honey locust, holly and winterberry; plantings that are all common to residential landscape design. Sight lighting proposed consists of dark-sky compliant, shielded LED lighting fixtures, which significantly outperforms exterior lighting typical to residential neighborhoods. The proposed lighting provides safe site illumination using the fewest possible fixtures, and results in no light-spill into abutting residential properties.

The Licensed Funeral Establishment typically closes at 8:00 p.m., with families leaving at 8:15 p.m. and lot lighting extinguished approximately 15 minutes later, at 8:30 p.m.

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

No. The proposed alteration/expansion to the existing Licensed Funeral Establishment and related site improvements do not present a potential for nuisance or serious hazard to vehicles or pedestrians. The proposal is supported by the Traffic Impact Assessment performed by Jeffrey S. Dirk, P.E., PTOE of Vanasse & Associates, Inc., submitted herewith. The proposed alterations provide enhanced circulation for private vehicles and emergency apparatuses, as well as additional parking onsite. The proposed site reconfiguration and building alterations will create one-way circulation through the site with paths for re-circulation within the site to access the various parking areas. The existing curb openings on Main Street (Route 18) will remain as one-way – with the northerly opening continuing to serve as access and the southerly opening as egress, with existing signage upgraded to MUTCD standards. An internal sidewalk and improved pedestrian striping are proposed. Additionally, the Applicant proposes twenty-nine (29) additional exterior parking spaces, and four (4) new garage spaces for the Applicant's vehicles – for a total of 117 parking spaces (including 4 handicap accessible spaces) on-site. This proposed reconfiguration will improve safety, provide ample parking and better overall circulation of vehicles on-site.

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

Yes. The Property is currently serviced by municipal water and sewer, and extensions/new services will be installed as part of the overall site upgrades. Additionally, a new fire hydrant will be installed at the Property and at Cypress Street for enhanced fire protection, and fire sprinklers

are proposed. Moreover, significant proposed stormwater improvements to the Property will capture, treat and retain and infiltrate more runoff onsite.

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

Please explain.

The Applicant's proposed project will function as a Licensed Funeral Establishment located, constructed, equipped and operated for the purpose of providing sanitary handling, preparation, disposition and care of dead bodies. As such, the project will provide for the continuation of a decades-long essential public health service to the community. The proposed project services the public convenience and welfare through the modernization and upgrade of a residential conversion to a funeral home performed over 60 years ago, to meet shifting demographic, sectarian, secular and evolving end of life planning needs of the community.

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”)

EXTENSION OR CHANGE FINDINGS OF FACT:

- 1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):**

Not applicable.

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

Not applicable.

- 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.**

Not applicable.

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

Not applicable.

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

Not applicable.

- 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:**

Not applicable.