

Remand Application Case No. 3473

TOWN OF WEYMOUTH BOARD OF ZONING APPEALS APPLICATION

RECEIVED

2024 MAR -6 P 2:16

TO BE COMPLETED BY STAFF

Case Number: Remand Case No. 3473

Town Clerk Stamp

Submittal Accepted: mmmm J. Kelly Date 3/6/24
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: 809 Main Street, 19 Cypress Street, 0 Cypress Street

Assessor's Map Sheet, Block, & Lot: Map 45, Block 515, Lots 4, 5 & 14

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., DTM Law, P.C.

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.

Applicant / Petitioner - Date (sign & print) Jeffery A. Tocchio, Counsel to Applicant

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 submitted Supplement To Application On Remand.

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

Please see submitted Supplement To Application On Remand

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 submitted Supplement To Application On Remand

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 submitted Supplement To Application On Remand

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

Please see submitted Supplement To Application On Remand

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'
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' / 15' (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) 1 story / 17.7' (R-1)
Lot Coverage	75% building & paved (MS) 30% building (R-1)	62% building & paved (MS) 10% building (R-1)	70% building & paved (MS) 5.4% building (R-1)
Off-Street Parking Spaces	1 / each company vehicle; plus 1 / 3 seats in mtg room	84	104
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)
Accessory Structure Setback	N/A (MS) / 5' (R-1)	N/A	15'
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 submitted Supplement To Application On Remand.

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

Please see submitted Supplement To Application On Remand.

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

Please see submitted Supplement To Application On Remand

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 submitted Supplement To Application On Remand

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

Please see submitted Supplement To Application On Remand

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 submitted Supplement To Application On Remand.

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

Please see submitted Supplement To Application On Remand

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 submitted Supplement To Application On Remand.

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

Please see submitted Supplement To Application On Remand.

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 submitted Supplement To Application On Remand.

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 submitted Supplement To Application On Remand.

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.

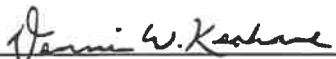
4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

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 a Remand 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.