

# Remand Application Case No. 3473

## TOWN OF WEYMOUTH BOARD OF ZONING APPEALS APPLICATION

### TO BE COMPLETED BY STAFF

Town Clerk Stamp

Case Number: Remand Case No. 3473

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:** 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

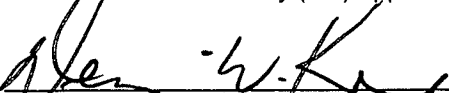
Address: 175 Derby Street, Suite 30, Hingham, MA 02043

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.

 Dennis V. Keohane 7/31/23  
Applicant / Petitioner - Date (sign & print)

## 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 extend 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 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 attached 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 attached 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 attached Supplement To Application On Remand

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

Please see attached 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 attached 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 attached Supplement To Application On Remand.

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

Please see attached 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 attached Supplement To Application On Remand

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

Please see attached 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 attached Supplement To Application On Remand.

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

Please see attached 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 attached Supplement To Application On Remand.

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

Please see attached 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 attached 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 attached 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.

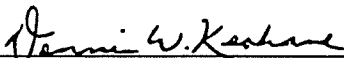
4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

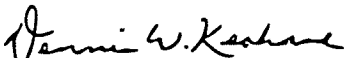
Not applicable.


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.

## **SUPPLEMENT TO APPLICATION ON REMAND**

### ***Land Court Department Docket No. 23 MISC 000052 Board of Zoning Appeals Remand Case No. 3473***

In connection with its Remand Application for Special Permit (Remand Case No. 3473) for the alteration/extension of the existing Funeral Home for the properties at 809 Main Street, 19 Cypress Street, and 0 Cypress Street, in Weymouth, the Applicant McDonald Keohane Funeral Home, Inc. (“McDonald Keohane”) provides (i) an overview of the relevant procedural background related to the remand, (ii) summary of certain modifications to the proposed project as part of the remand, (iii) overview of the project as presently proposed, (iv) summary the project’s satisfaction of the criteria for approval of a special permit, and (v) proposed special conditions for consideration by the Board of Zoning Appeals (“Board”).<sup>1</sup>

#### **1. Relevant Procedural Background**

On February 4, 2022, McDonald Keohane filed its application for a Special Permit, pursuant to Weymouth Zoning Ordinance provisions § 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, to allow the alteration/extension of the existing funeral home and the construction of related accessory structure(s) and site improvements. After multiple public hearings, the Board deliberated at its November 16, 2022, meeting and a majority voted (3-2) to grant the Special Permit, subject to twenty-one (21) detailed special conditions. As the application failed to obtain the supermajority of the Board required by M.G.L. c. 40A, § 9, the request for a Special Permit

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<sup>1</sup> As part of its Remand Application, McDonald Keohane hereby incorporates by reference all materials and testimony submitted to the Board as part of Case No. 3473.



was not granted. On or about January 31, 2023, McDonald Keohane filed an appeal of the decision with the Land Court, pursuant to M.G.L. c. 40A, § 17.

On March 22, 2023, McDonald Keohane and the Board appeared, through counsel, before the Land Court (Rubin, J.) for a case management conference at which counsel for all parties advised that the case may be suitable for mediation, and the Court agreed that this case may be capable of being resolved by the parties, and that the parties would benefit greatly by having a trained neutral serve as a mediator. To that end, the Court exercised the authority vested in it to refer the case for mandatory mediation screening. The parties subsequently engaged in mediation screening and elected to engage in mediation.

On June 1, 2023, McDonald Keohane and the Board mediated their disputes before the Hon. Leon J. Lombardi (ret.). At the mediation, the parties reached an agreement concerning certain modifications to the proposed project and the conditions of use to address purported concerns related to the project, and the parties agreed that the matter should be remanded to the Board for the submission of new evidence and testimony on McDonald Keohane's application for Special Permit in the context of a duly noticed public hearing.

On June 16, 2023, McDonald Keohane and the Board filed a Joint Motion for Remand requesting that the matter be remanded to the Board so that the Board may reconsider the proposed project considering modifications proposed by McDonald Keohane. On June 19, 2023, the Court (Rubin, J.) issued an Order On Joint Motion For Remand allowing the Joint Motion for Remand and Ordered:

that this matter is remanded to the Board of Zoning Appeals, which shall, within ninety (90) days of the date of this Order, with public notice to be given pursuant to the requirements of M.G.L. c. 40A, § 11, hold a public hearing with the submission of new evidence and testimony on Plaintiffs' application for Special Permits with respect to the proposed expansion/alteration of its existing funeral

home. Within thirty (30) days of the close of the remand hearing, the Board shall issue a decision and file said decision with the Town Clerk[.]

A copy of the Order On Joint Motion For Remand is attached hereto as Exhibit A.

## **2. Modifications to the Proposed Project On Remand.**

As a result of the parties' mediation and as part of the present remand, McDonald Keohane herewith submits to the Board updated plans and materials that include certain plan modifications to improve the proposed project. Specifically, the proposed project has been modified from the previous plans considered by the Board in order to:

- Eliminate the south staircase, and switchback ADA ramp adjacent thereto, that provided direct access from the southside parking lot to the proposed southerly entrance and to provide a handicap accessible ramp that begins on the Main Street side of the funeral home;
- Screen the proposed ADA and Building Code complaint ramp with landscape materials tall enough in height to screen guests on the ramp from the southside parking lot;
- Eliminate the two (2) parking spaces on the south side of the parking area located in the Medical Services (MS) district, nearest to 143 Columbian Street (and replace with landscaping);
- Eliminate the five (5) parking spaces on west side of the parking lot next to the proposed garage located within the R-1 district (and replace with landscaping); and
- Restore the property line of 19 Cypress Street to the pre-ANR Plan (dated 11/30/2021 and endorsed on 12/3/2021) property line.

The plan modifications address any previously perceived concerns related to internal site flow and guest parking onsite, and perceived effects on bordering residential properties.

## **3. Overview of the Project As Currently Proposed.**

The subject property is located on State Route 18 (Main Street), in the center of what is termed the "South Shore's Medical Mecca." The proposed project includes alterations to the existing funeral home building operating as such since 1961, and improvements to the site designed to solve existing operations deficiencies, by providing adequate areas for funeral services

and guest queuing *within the building*, creating a deceased body transfer bay attached to the north side of the building, and adding sixteen (16) additional exterior parking spaces, and four (4) garage spaces for the funeral home's vehicles.

The proposed project does not change the location of the existing entrance and exit on State Route 18, and is designed to improve internal traffic circulation for private vehicles and emergency apparatus, as previously reviewed and supported by the Weymouth Fire Department.<sup>2</sup> A Transportation Impact Assessment was conducted that concluded that the project can be accommodated within the confines of the existing transportation infrastructure in a safe and efficient manner with the implementation of the recommendations that are incorporated into the project plans. The Town Traffic Engineer's report concurred with the conclusion that the project would not have a noticeable impact on Route 18 traffic.

The only portion of the funeral home project that is located within the R-1 district – which remains a use allowed by Special Permit under § 120-13.A (as in effect on December 2, 2021) based upon the ANR Plan “freeze” – is a four-bay garage for the parking of the hearse, body transfer vehicle and limousines that are currently stored outside (and open to view by the residential properties nearby), and eleven (11) parking spaces located away from abutters. The proposed funeral home addition is located 100% within the MS district.

As part of the plan modifications, McDonald Keohane (i) eliminated the previously proposed staircase and switchback ADA ramp adjacent thereto that provided direct access from the southside parking lot to the proposed southerly entrance, and (ii) provides a handicap accessible ramp that begins on the Main Street side of the funeral home – thereby eliminating any perceived

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<sup>2</sup> As noted below, McDonald Keohane proposes to include a special condition that it shall modify the exiting curb cut in order to direct traffic leaving the site to make only a right-hand turn, subject to the approval of MassDOT and the Town's Fire Department and Traffic Engineer.

concerns related to potential guest queuing within the southside parking lot.<sup>3</sup> Additionally, the ramp is proposed to be screened with landscape materials tall enough in height to screen guests on the ramp from the southside parking lot.

Today, the closest existing funeral home parking space is approximately 91 linear feet from the closest residential dwelling (143 Columbian Street). Under the proposed project, the closest proposed parking space is located *farther away than existing* at approximately 94 linear feet from the closest residential dwelling (143 Columbian Street) and located within the MS district. The closest proposed parking space within the R-1 district is 137± linear feet from the residential dwelling at 151 Columbian Street and 138± linear feet from the residential dwelling at 143 Columbian Street.<sup>4</sup> The proposed garage is single-story, and incorporates premium residential design elements unlike the existing commercial-grade concrete block garage. As proposed, the garage will be located 138± linear feet from the closest separately owned residential dwelling (33 Cypress Street).

McDonald Keohane continues to propose an eight (8) foot tall solid cedar fence to be installed, as well as canopy trees and fifteen (15) Green Giant Western Arborvitae to be planted interior to the fence, all to screen the proposed garage and parking spaces from the residences, and the entire southwest corner of the site that is “outbound” of the solid cedar fence will be retained in its current state with existing trees and vegetation preserved. Modern, shielded dark-sky compliant LED lighting is proposed to be installed with no light spill onto adjacent properties.

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<sup>3</sup> Moreover, a submitted Special Condition 11 provides: “The funeral home shall not host or allow funeral services or events within any parking area or outdoor spaces on the site. Employees of the funeral home shall monitor the parking areas in order to prevent loud gathering and congregations by guests, particularly, in the parking area along the Columbian Street side of the funeral home.”

<sup>4</sup> Prior to the elimination of the five (5) parking spaces on west side of the parking lot, the closest proposed parking space within the R-1 district was approximately 110 linear feet from the closest dwelling (151 Columbian Street).

Existing lighting illuminates abutting properties. The proposed funeral home project has been designed to shield, improve, and minimize impacts on neighboring residences.

**4. The Project Satisfies the Criteria for Approval of a Special Permit.**

McDonald Keohane asserts that the proposed project satisfies the criteria for approval of a Special Permit, pursuant to Section 120-122 of the Weymouth Zoning Ordinance, as follows:

(i) The specific site is an appropriate location for such a use.

- The site is located on the westerly side of Main Street (Route 18), a four-lane state highway.
- A funeral home 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 project will allow for operational improvements and efficiencies to accommodate continuing community needs for funeral services and are in keeping with trends in the funeral home industry.
- The project has been designed to minimize potential impacts on neighboring residential and commercial uses.

(ii) The use involved will not be detrimental to the established or future character of the neighborhood or Town.

- The site is located along Main Street in the center of what's been termed the "South Shore's Medical Mecca."
- Existing direct abutting uses to the funeral home include single family homes, Grayken Center for Treatment, and Massachusetts Eye and Ear Weymouth.
- Directly across the street is the 85,000 sq. ft. Dana-Farber/Brigham and Women's Cancer Center, with 6-story parking garage containing 647 parking spaces.
- The funeral home use at 809 Main Street has existed for over 60 years.
- There will be no fundamental change to the daily operation of the funeral home.
- The proposed alterations to the existing building and improvements to the site will greatly enhance operational efficiencies and provide adequate areas for queuing within the building.
- Access/egress for the site will continue to be only via Main Street (Route 18) – with signage upgraded to MUTCD standards.
- The addition to the funeral home is located entirely within the MS district.

- Uses permitted in the MS district include hospital, nursing home, medical office, outpatient clinic, medical laboratory and ambulance station.
- The MS district dimensional criteria allows building heights of 6 stories or 80 by special permit, lot coverage of 75% for building and paved areas, and minimum side and rear yard depths of 10 feet.
- The closest proposed parking space is located *farther away than existing* from the closest residential dwelling (143 Columbian Street) and located within the MS district.
- Only eleven (11) parking spaces are proposed with the R-1 portion of the site. The closest proposed parking space within the R-1 district is 137± linear feet from the residential dwelling at 151 Columbian Street and 138± linear feet from the residential dwelling at 143 Columbian Street.
- 8-foot-tall cedar fence in an arc along the southwest corner, plant canopy trees and fifteen (15) Green Giant Western Arborvitae interior to the fence, and the entire southwest corner that is outside of the solid cedar fence is proposed to be retained in its current state with existing trees and vegetation to be preserved.
- Dark-sky compliant lighting is proposed to mitigate potential impacts.
- An attached transfer bay on the north side of the building is proposed to provide direct internal access to the building for the concealed transfer of human remains.
- The design incorporates residential design features and aesthetics in keeping with the existing funeral home.
- The house at 19 Cypress Street is proposed to be retained as a single-family dwelling.

(iii)There will be no nuisance or serious hazard to vehicles or pedestrians.

- A Transportation Impact Assessment was conducted that concluded that the project can be accommodated within the confines of the existing transportation infrastructure in a safe and efficient manner with the implementation of the recommendations that were incorporated into the project plans.
- The Town Traffic Engineer's report concurred with the conclusion that the project would not have a noticeable impact on Route 18 traffic.
- Access to the site is via Main Street (Route 18) – with the existing curb-openings to remain as one-way and signage upgraded to MUTCD standards.
- Sixteen (16) additional exterior parking spaces, and four (4) new garage spaces for the funeral home's vehicles – for a total of 104 parking spaces (including 5 handicap accessible spaces) are proposed for the site. Parking spaces proposed southwest of the addition have been eliminated, thus enhancing the flow of traffic.
- Enhanced circulation for private vehicles and emergency apparatuses is provided.
- An internal sidewalk and improved pedestrian striping are proposed.

(iv) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

- Enhanced fire protection and fire sprinklers are proposed for the building, which currently does not have fire sprinklers.
- Significant stormwater improvements to the site will capture, treat and retain and infiltrate more runoff onsite.
- The proposed alterations to the existing building will provide adequate areas for queuing within the building.
- Any exterior queuing will be at the east entrance or buffered entry ramp accessed from the Main Street side of the building.

(v) The public convenience and welfare will be substantially served.

- The project will function as a funeral home located, constructed, equipped and operated for the purpose of providing sanitary handling, preparation, disposition and care of dead bodies.
- The project will provide for the continuation of a decades-long essential public health service to the community.
- The 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.

## **5. Proposed Special Conditions.**

As a result of the parties' mediation and as part of the present remand, McDonald Keohane submits proposed special conditions for consideration by the Board. The proposed special conditions are consistent with the those previously recommended by a majority of the Board, with modifications to certain conditions, as follows:

1. An ANR Plan shall be presented to the Director, Planning & Community Development, for review and endorsement of the site lot lines, separating 19 Cypress Street as a singular residential lot consistent with the approved plans.
2. The Applicant shall operate the project as a licensed funeral home in a manner consistent with the representations made within the submitted materials and at the hearings before the Board, and in accordance with 239 Code of Massachusetts Regulations (CMR) 3.00 et seq.
3. The site facility shall only be used for funeral, funeral-related services, and celebrations of life.

4. Funeral services followed with a procession shall be scheduled not to occur concurrently with another processional service.
5. No more than two (2) services shall be scheduled to occur at the same time within the funeral home. Services in this condition include any or all wakes, funeral services or celebrations of life.
6. No alcoholic beverages shall be allowed inside the funeral home building or on the outside premises of the funeral home, including but not limited to the parking areas.
7. There shall be no meals (plated or buffet style) for guests inside the funeral home or on the outside premises of the funeral home. The funeral home shall be allowed to serve light refreshments including nonalcoholic beverages and edible items commonly served between meals but not intended to substitute for meals, e.g., coffee, soft drinks, doughnuts, sweet rolls, fruit, cheese, and crackers, may be served within the funeral home. Guests shall not be allowed to consume the refreshments on the outside premises of the funeral home.
8. Visitation hours, celebrations of life, and funeral services shall be scheduled to end no later than 8:30 p.m.
9. The funeral home shall install directional traffic signage and have staff to direct guests towards the entry points for services located on the Main Street side of the funeral home.
10. Gatherings or processions (or similar pre-funeral, wake or celebrations of life activities) involving a deceased with affiliation with a large organization (e.g. police, fire, political, motorcycle club, etc.) will be staged and contained to the front parking area or front entrance adjacent to Main Street (Route 18).
11. The funeral home shall not host or allow funeral services or events within any parking area or outdoor spaces on the site. Employees of the funeral home shall monitor the parking areas in order to prevent loud gathering and congregations by guests, particularly, in the parking area along the Columbian Street side of the funeral home.
12. The parking areas and garage depicted on the approved plans that are located within the R-1 portion of the site and any expansion of the funeral home building into the R-1 zone shall not be extended or expanded in the future. Specifically, there will be no further expansion, development, or modifications, of the funeral home into the R-1 zoning district by the current Applicant and its successor or assigns.
13. Emerald Green Arborvitae (*Thuja Occidentalis* 'Smaragd') shall be planted proximate to the southerly lot line, as shown on the approved planting plan, shall be a minimum of twelve (12) feet in height at the time of installation to provide enhanced initial screening and site adaptability.
14. The Applicant shall conduct a post-project traffic monitoring program to validate the traffic projections associated with the project and to document operating conditions at the site. The monitoring program shall be performed within one (1) year after issuance of a Certificate of Occupancy for the project, and shall consist of automatic traffic recorder (ATR) counts over a four-day period on the two (2) driveways that serve the project site during weekday 24hour periods. The results of the monitoring program shall be summarized in a report to be provided to the Weymouth Traffic Engineer within 30-days



after the completion of the monitoring program. If the measured traffic volumes exceed the traffic volume projections for the project contained within the Supplemental Transportation Impact Assessment dated October 25, 2022, prepared by Vanasse & Associates, Inc. (actual counts plus 40% assumed evening peak hour), by more than 10 percent (>10%) the Applicant and Weymouth Traffic Engineer shall develop proposed measures to address the reported traffic volumes.

15. Access from Cypress Street to 809 Main Street shall be limited to subsurface utilities access only.
16. The Applicant shall not change the existing use of 19 Cypress Street from a detached one family dwelling which is located entirely in the R-1 Zoning District.
17. The Applicant proposes to provide enhanced fire protection and fire sprinklers at the funeral home as required by the Weymouth Fire Department (“WFD”). Upon receipt of all requisite approvals from the Town, the Applicant shall install a new 8-inch water main within Cypress Street and install a new fire hydrant, as shown on the approved plans, at its own expense. Both the applicant and contractor must be fully insured to cover any property damages to property Applicants on Cypress Street including damages to landscaping, driveways. Simultaneously with the completion of the water service upgrades for the project within Cypress Street, the Applicant shall repave the entirety of the right-of-way, shoulder to shoulder and install a single open bottom drainage catch basin at its own expense. Design of this catch basin must receive the approval of the Weymouth DPW/Engineering division. In the event that the requisite approval(s) for the new water main connection at Columbian Street is not granted within 90 days of Applicant’s written request for filing of application for road opening, the Applicant may, if granted the appropriate approvals by the appropriate Town Departments, elect to provide alternative means to support fire suppression for the building (e.g., onsite below ground water storage tanks) upon the review and approval of the WFD, and the requirements of this condition shall be of no further effect unless the applicant decides at a later time to implement the plan to bring water in through Cypress Street provided that, in order to implement this plan at any time, the applicant shall be required to implement the conditions as stated above. Any onsite water storage tanks or other similar fire suppression referenced in the prior sentence shall not be in the R-1 residential zone.
18. All work relating to this project shall be conducted in accordance with the Town’s construction protocol and restrictions.
19. The Applicant shall modify the curb cut on 809 Main Street in order to direct traffic leaving the site to make only a right-hand turn, subject to the approval of MassDOT, Town’s Fire Department and Traffic Engineer. The Applicant shall install signage prohibiting its patrons from making a left-hand turn onto Main Street.
20. The eleven (11) parking spaces in the rear lot located in the R-1 District (7 spaces next to the funeral home and 4 spaces long northside of the lot next to the proposed location for the dumpsters) should be used as a last resort as an overflow parking area.