

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

TO BE COMPLETED BY STAFF

Case Number: 3313 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: 90 Main Street
Assessor's Map Sheet, Block, & Lot: 29-329-22
Zoning District: B-1 Overlay District: N?A
OWNER OF RECORD (S) (print & sign): McDonald's USA 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: P.O. Box 182571, Columbus, OH 43218-2571
Norfolk County Registry of Deeds Book and Page No. _____
Or registered in Land Registration Office under Certificate No. 174396
NAME OF APPLICANT (S) (print & sign): Sandra W. Martel, Prop. Mgr., McDonald's
Applicant's Address: P.O. Box 182571, Columbus, OH
Contact Information: Email Sandra.Martel@us.mcd.com Phone _____
Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐
NAME & AFFILIATION OF REPRESENTATIVE: _____
Address: Gregory F. Galvin, Esq., 775 Pleasant St. #16, Weymouth, MA
Contact Information: Email ggalvin@gregorygalvin.com Phone 781-340-5335
NAME OF ENGINEER AND / OR ARCHITECT: 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.

Gregory F. Galvin, Esq., 11-07-16
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):

Article XVI, S. 120-64.3 (B)(3) height not to exceed 25' Article XIII, S. 120.39 Continuation of non-conforming use.

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):

McDonald's restaurant free standing sign was located approx. 14.6' from the street stood about 21.5' high and has an area, to include the full arch and message board of approx. 40.48'

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

The recent relocation of RK's free standing sign board (its about 35' directly in front of applicants sign) has completely block the applicant sign for north bound motorist. The applicant is seeking to merely extend the existing sign above RK's sign.

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).

Article VII, S. 120-23 and 25(C)

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).

Case # 2274, 5/26/94 & #2325, 11/16/95 both dealt with converting the outside play area to an inside play area. Case #2941, 3/22/07, dealt with razing the building and rebuild the store with a drive-thru. 8/24/07 building permit provided for 5 different signs. 3/7/11 building permit allowed the removal of the prior free standing pole sign and replace with existing sign.

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

NONE

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.)	10,000'	83,378'	Same
Dwelling Units	N/A	N/A	N/A
Frontage (ft.)	40'	173.39'	Same
Lot Width (ft.)	100'	173.39'	Same
Front Yard Setback (ft.)	30' ex. signs	184'	Same
Front Yard Setback (ft.) – corner lots	N/A	N/A	N/A
Side Yard Setback (ft.)	10'	50.6'	Same
Side Yard Setback (ft.)	N/A	N/A	N/A
Rear Yard Setback (ft.)	10'	49.7'	Same
Height (ft.) & # of Stories	2.5 - 35'	1 - <35'	Same
Lot Coverage	50%	6.7%	Same
Off-Street Parking Spaces	N/A	N/A	N/A
Off-Street Loading Spaces	N/A	N/A	N/A
Parking Setback	N/A	N/A	N/A
Accessory Structure Setback	N/A	N/A	N/A
Landscaping	N/A	N/A	N/A
Floor Area Ratio	N/A	N/A	N/A
Signage	<60 sf	40.48 sf	40.48 sf
Other:	Height 25'	21.5'	40'

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.

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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):

The use with a drive-thru window requires a special permit. The application is not making any changes to the building.

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

3/22/07

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.

The applicant had an approved sign that became totally block when the abutting neighbor RK Associates relocated their sign directly in front of the McDonald's sign. The applicant has no visibility for north bound traffic on Route 18 (Main Street).

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.

Due to the shape of the lot along with the existing contours the restaurant is located 184' from Route 18 (Main Street) and therefore needs the advertisement of the sign. Further the applicant doesn't have room to move the sign due to Street signal stanchion an electrical power lines.

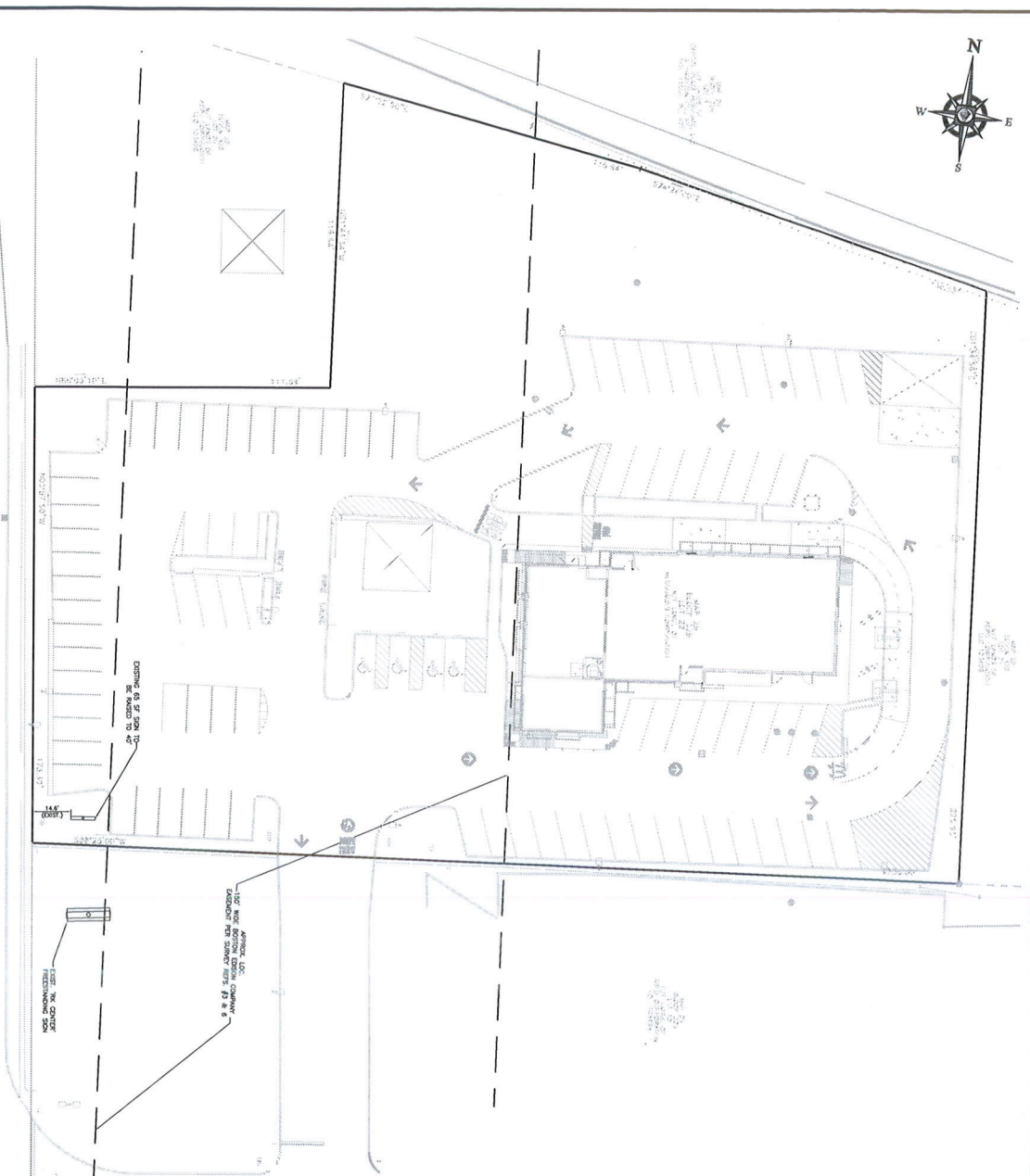
3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

The applicant is seeking to only raise the existing sign so that it will be visible to motorist traveling north on Route 18.

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.

N//A. The applicant has engineered the sign to raise its name and recognizable arches the minimum height to be seen upon approaching right turn lanes. The message board will still not be visible.

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMETNS 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.



FREESTANDING SIGN		
	ALLOWED	PROPOSED
HEIGHT:	25'	21.5' 40' (V)
SETBACK:	3'	14.6' (EXIST.)
AREA:	35 SF	64 SF (EXIST.)

SIGN AREA:
 1 SF / 5 OF FRONTAGE
 173.87' x 1 SF = 5 x 34.7 = 173.5 SF

VIS. VARIANCE REQUIRED FOR EXCEEDING MAXIMUM ALLOWED SIGN HEIGHT



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OFFICE	NORTHEAST REGION
ADDRESS	690 CANTON STREET WESTWOOD, MA

[illegible]



PHOTO LOCATION EXHIBIT

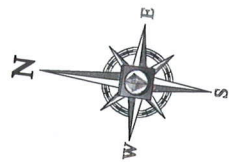
MCDONALD'S
MAIN STREET

11/2/16







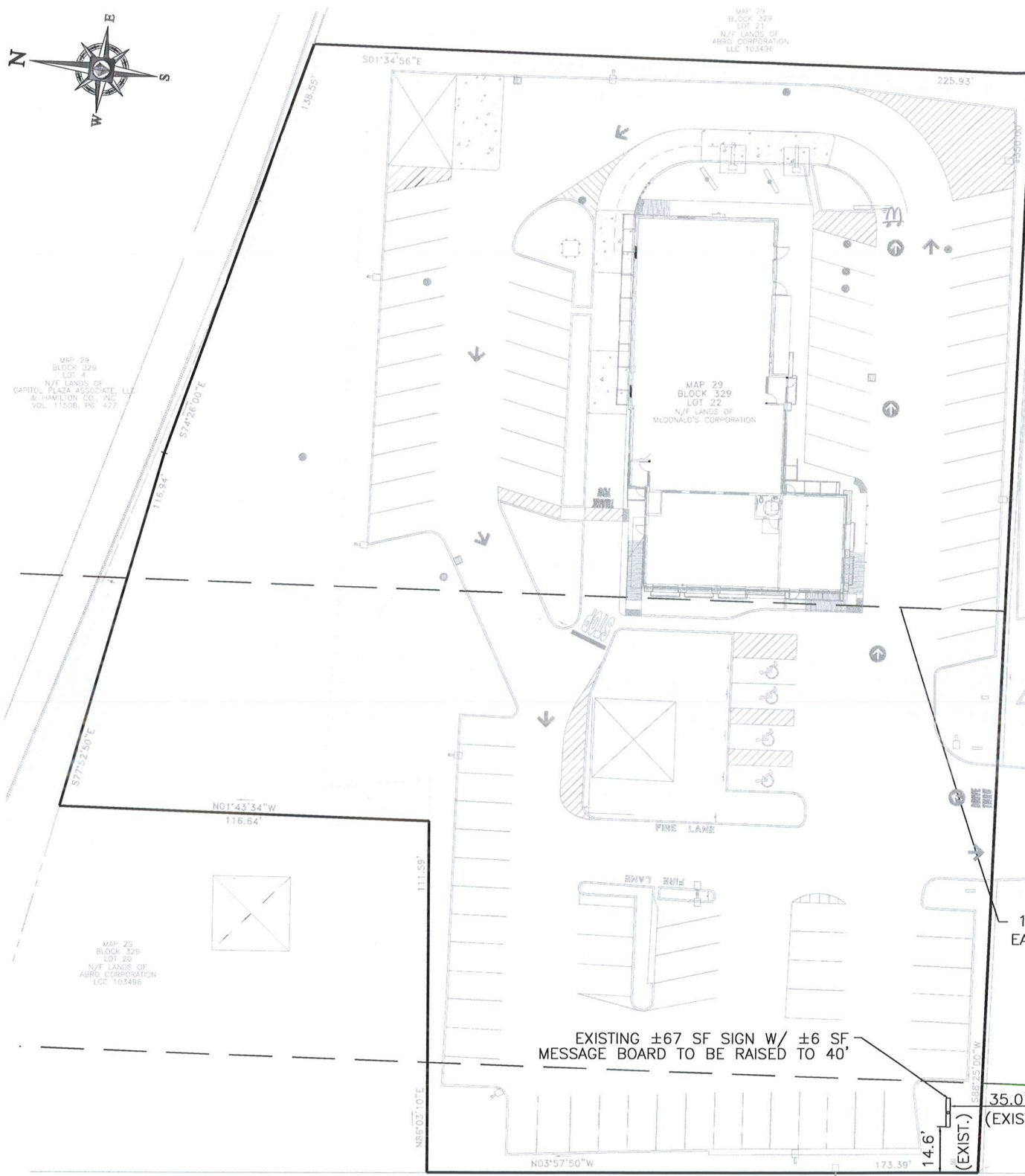


MAP 29
BLOCK 329
LOT 4
N/T LANDS OF
CAPITO, PLAZA ASSOCIATE, LLC
A/ HAMILTON CO., INC.
VOL. 11506, PG. 477

MAP 29
BLOCK 329
LOT 21
N/T LANDS OF
ABRO CORPORATION
LLC 103496

MAP 29
BLOCK 329
LOT 10
N/T LANDS OF
ABRO CORPORATION
LLC 103496

MAP 29
BLOCK 329
LOT 20
N/T LANDS OF
ABRO CORPORATION
LLC 103496



EXISTING ±67 SF SIGN W/ ±6 SF
MESSAGE BOARD TO BE RAISED TO 40'

APPROX. LOC.
150' WIDE BOSTON EDISON COMPANY
EASEMENT PER SURVEY REFS. #3 & 6

35.0'
(EXIST.)

EXIST. 'RK CENTER'
FREESTANDING SIGN

MAIN STREET
(A.K.A. MASSACHUSETTS STATE HIGHWAY ROUTE 1B)
(PUBLIC-1902 LAYOUT, 1961 ALTERATION #5005 - 60' WIDE)

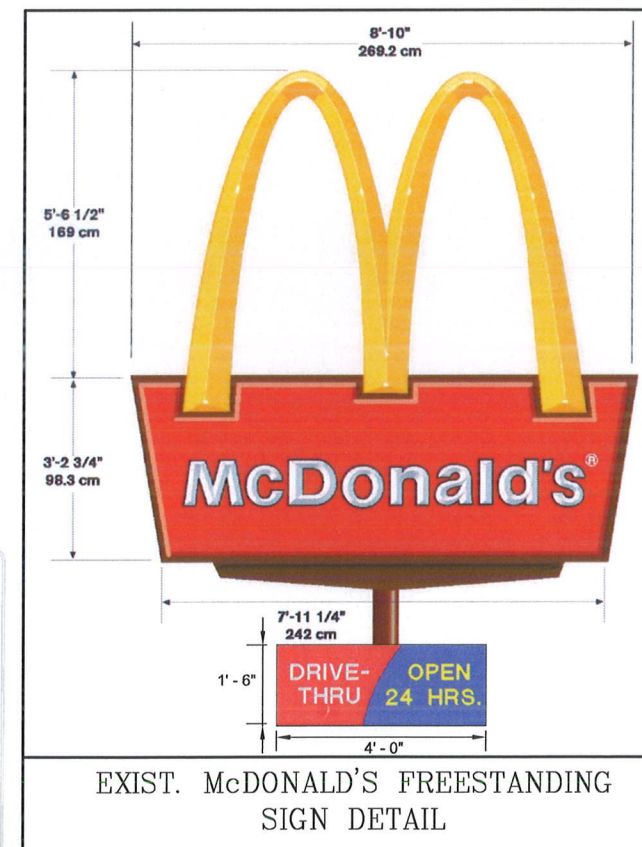
ZONING ANALYSIS TABLE

ZONING DISTRICT	B-1 (LIMITED BUSINESS)		
	REQUIRED	EXISTING	PROPOSED
MIN. LOT SIZE (SF)	10,000 SF	83,378 SF	NO CHANGE
MIN. LOT FRONTAGE (FT)	40'	173.39'	NO CHANGE
MIN. LOT WIDTH (FT)	100'	173.39'	NO CHANGE
MIN. FRONT YARD (FT)	30	184.0'	NO CHANGE
MIN. SIDE YARD (FT)	10	50.6'	NO CHANGE
MIN. REAR YARD (FT)	10	49.7'	NO CHANGE
MAX. BLDG. HEIGHT (MEAN) (STORIES/FEET)	2.5/35	1 STORY/ <35'	NO CHANGE
MAX. BLDG. LOT COVERAGE (%)	50%	6.7%	NO CHANGE
MIN. LANDSCAPED AREA (%)	15%	34.4%	NO CHANGE
PARKING SPACE SIZE	9' X 18'	9' X 20'	NO CHANGE
PARKING QUANTITY	1/1.5 SEATS = 86	91	NO CHANGE

FREESTANDING SIGN

	ALLOWED	EXISTING	PROPOSED
HEIGHT:	25'	21.5'	40' (V)
SETBACK:	3'	14.6'	14.6' (EXIST.)
AREA:	35 SF	±67 SF (EXIST. SIGN) ±6 SF (EXIST. MESSAGE BOARD)	±67 SF (EXIST. SIGN) ±6 SF (EXIST. MESSAGE BOARD)

SIGN AREA:
1 SF / 5' OF FRONTAGE
173.39' x 1 SF / 5' = 34.7 = 35 SF
(V) VARIANCE REQUIRED FOR EXCEEDING MAXIMUM ALLOWED SIGN HEIGHT



EXIST. McDONALD'S FREESTANDING
SIGN DETAIL



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CHARLOTTE, NC
TAMPA, FL
SOUTH FLORIDA

352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
Phone: (508) 450-0900
www.BohlerEngineering.com

COMPLIANCE CHECK	DATE
CONSTRUCTION CHECK	DATE
CONSTRUCTION CHECK	DATE
PROJECT No.: W060955	
CAD I.D. #: W060955_s00.dwg	

STREET ADDRESS 90 MAIN STREET	
CITY WEYMOUTH	STATE MA
COUNTY NORFOLK	
REGIONAL DWG. NO -	PLAN DESCRIPTION SITE PLAN

STATUS	DATE	BY
DRAWN BY:	09/06/16	DJA
PLAN CHECKED		JAK
AS-BUILT		
SHEET NO.	1	
	OF 1	

J.A. KUCICH
PROFESSIONAL ENGINEER
MASSACHUSETTS LICENSE NO. 41532
CONNECTICUT LICENSE NO. 26171
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680 CANTON STREET
WESTWOOD, MA

PLAN APPROVALS	DATE
SIGNATURE	
APPROVED MCDONALD'S AGENT	