

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

TO BE COMPLETED BY STAFF

Case Number: 3254

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: 1255 Main St

Assessor's Map Sheet, Block, & Lot: Map 53 Block 593 Lot 7

Zoning District: HT Highway Transition Overlay District: n/a

OWNER OF RECORD (S) (print & sign): Bike Realty LLC *[Signature]*
(The owner of record is the person or entity who owns title to the property as of today's date) William Donovan

Address of owner of record: 72 Sharp Street A-7 Hingham Mass 02043

Norfolk County Registry of Deeds Book and Page No. Book 9514 Page 351

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Bike Realty LLC

Applicant's Address: 72 Sharp Street A-7 Hingham Mass 02043

Contact Information: Email joe.murray@donovannetwork.com Phone 781 385 9333

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

NAME & AFFILIATION OF REPRESENTATIVE: _____

Address: Joe Murray 72 Sharp Street A-7 Hingham, Mass 02043

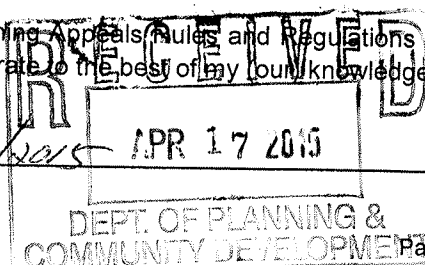
Contact Information: Email joe.murray@donovannetwork.com Phone 781 385 9333

NAME OF ENGINEER AND / OR ARCHITECT: Anthony Esposito PE / Jackie Brousseau / Brian Donahoe

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] JRMURRAY 4/14/2015 APR 17 2015
Applicant / Petitioner - Date (sign & print)



NATURE OF REQUEST

Application is for: ☒ Special Permit ☐ Variance ☐ Other: _____

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

Section 120-22-8E Request addition of a drive through window

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):

The building is currently a commercial use building with five potential retail spaces. The total building is approximately 9500 sq feet. Dunkin Donuts occupies Unit 1 and 2 (the right side) Units 3,4 and 5 are vacant. Please see attached drawing of the existing use.

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

Applicant seeks to add a drive through window on the south side of the building. Window will be incorporated into Unit 5. The tenant proposal is to move the existing Dunkin Donuts (tenant 1) to Unit 5. The parking on the North side will be modified to angled parking. The future DT lane will flow behind the existing building. The menu board will be located on the back side of the building facing the MBTA tracks. The attached site plan demonstrates the traffic flow. The site plan enhancements will also include the addition of trees and vegetation that will compliment the native species. Approximately 475 square feet of pavement will be removed and converted to vegetation. Approximately 370 square feet of pavement will be added to create the turning radius for the drive through travel lane. The lot configuration for the drive through car stack will allow for 15 cars in the queue. Site plan is attached.

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 VIB Section 120-22-8E (attached)

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).

Applicant is not currently aware of any previous approvals.

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

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		Retail	Retail
Lot Area / Size (Sq. Ft.)	15,000	45,753	45,753
Dwelling Units	N/A		
Frontage (ft.)	60 ft	236.4 ft	236.4 ft
Lot Width (ft.)	75/60	234 ft	234 ft
Front Yard Setback (ft.)	20 ft	94 ft	94 ft
Front Yard Setback (ft.) – corner lots	N/A		
Side Yard Setback (ft.)	20 ft	north 44.3ft	44.3 ft
Side Yard Setback (ft.)	20 ft	south 41 ft	41 ft
Rear Yard Setback (ft.)	10 ft	24.2 ft	24.2 ft
Height (ft.) & # of Stories	3/45 ft	1/ 15 ft	1/ 15 ft
Lot Coverage	50 %	21.1 %	21.1 %
Off-Street Parking Spaces	45	53	*65
Off-Street Loading Spaces	1	1	1
Parking Setback			
Accessory Structure Setback	N/A		
Landscaping	25 %/11438 sf	19 %/8645 sf	20 %/8838sf
Floor Area Ratio	N/A		
Signage			
Other:			*Includes 15 car drive-through queue

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.

This site conforms to existing Zoning use. The property square footage meets the criteria for a Drive-Through in this Zone. The site offers the opportunity to have a significant car stack in the rear of the building. This building has been a commercial property for over 30 years with the Dunkin Donut in operation for the past 21 years. The lot configuration allows for up to 15 cars for the DT queue line.

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

Site will not be detrimental to the town/neighborhood. The exterior has been recently updated and will be maintained. The addition of some added vegetation will enhance the character of the property and improve desired occupancy. Drive through traffic will be directed to the rear of the property which abuts the MBTA train tracks for minimal disturbance.

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

There are no apparent concerns. Please see attached traffic study.

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

New facilities in the proposed location will include public/customer access restrooms. All DT lanes will be clearly marked for the customers accessibility.

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

The drive through adds a convenience to customers with small children or disabilities. Customers can purchase goods while remaining in their vehicles. Similar to full service petroleum stations this also allows the customers to remain in the vehicles during foul weather.

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):

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

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.

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.

N/A

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.

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.

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.



**AHARONIAN
& ASSOCIATES INC.**

ARCHITECTS

www.arch-eng.com

310 George Washington Highway

Suite 100

Smithfield, Rhode Island

0 2 9 1 7

T 401-232-5010

F 401-232-5080

WWW.ARCH-ENG.COM

**SITE
IMPROVEMENTS**
1255 MAIN STREET
WEYMOUTH, MA
APRIL 17, 2015

RELOCATED EXISTING SIGN



PROPOSED EXTERIOR

NOT TO SCALE



EXISTING EXTERIOR

NOT TO SCALE



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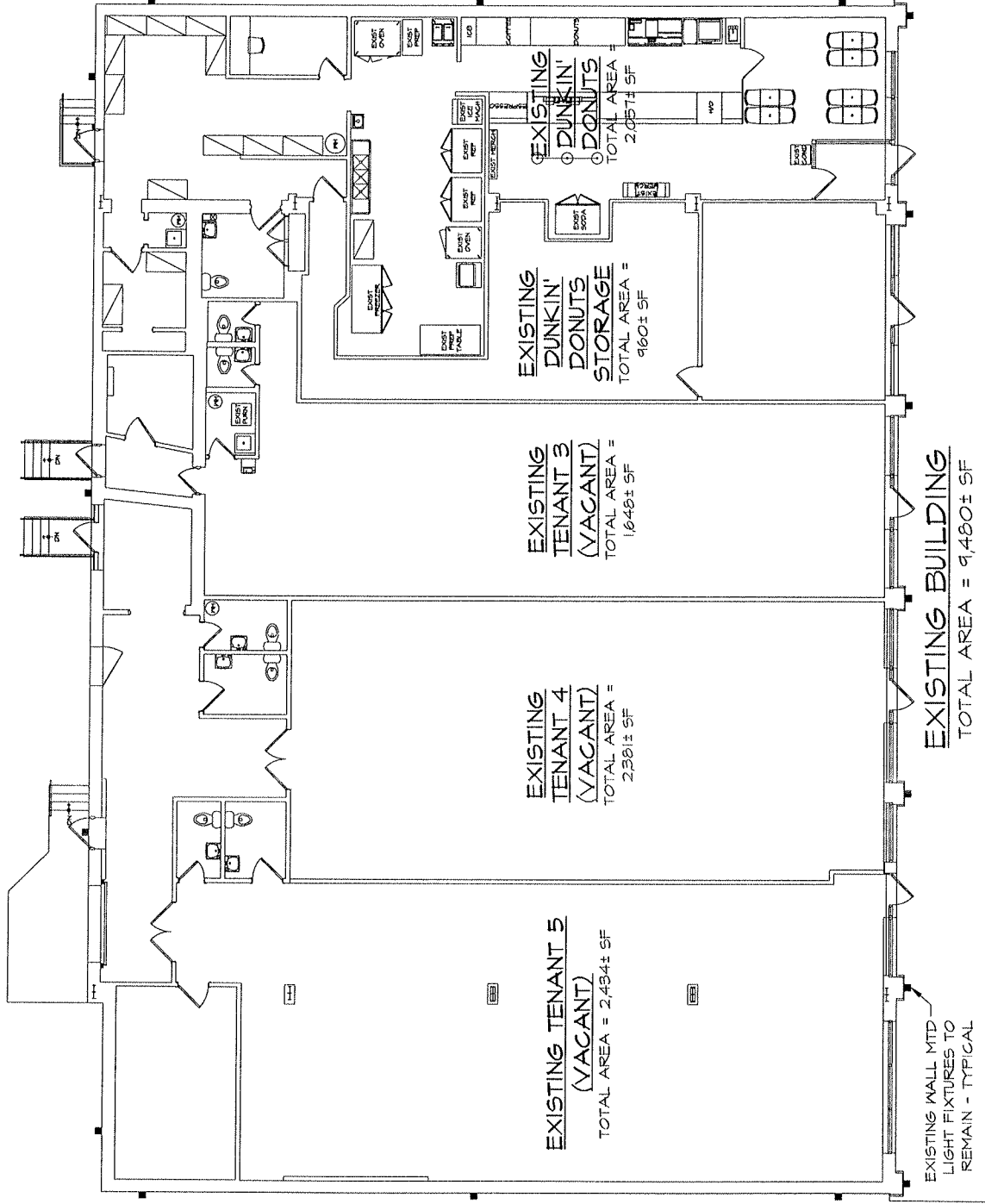
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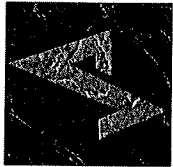
SITE
IMPROVEMENTS
1255 MAIN STREET
WEYMOUTH, MA
APRIL 17, 2015



EXISTING BUILDING
TOTAL AREA = 9,480± SF

EXISTING OVERALL FLOOR PLAN

SCALE: 1/16"=1'-0"



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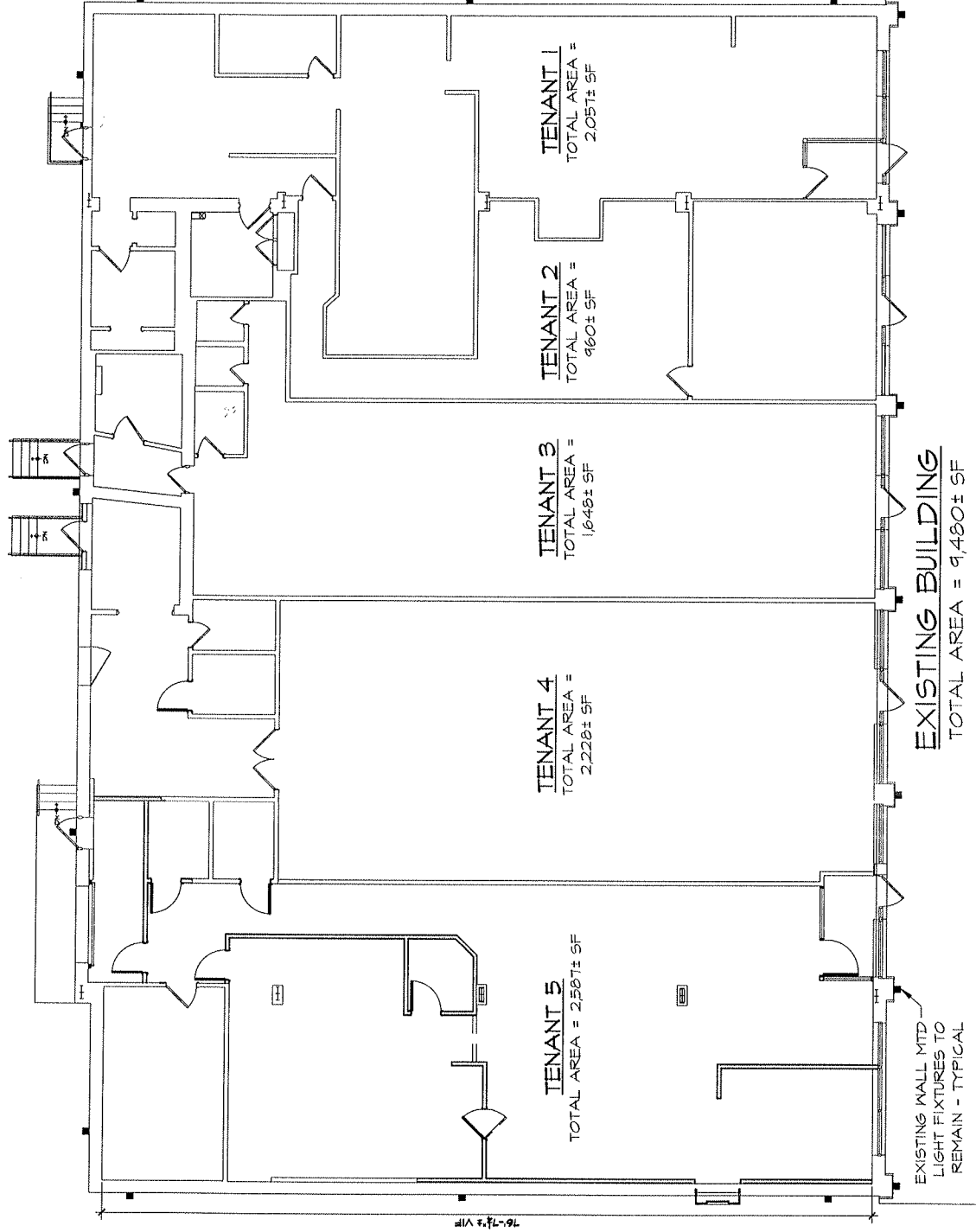
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F 401-232-5080

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SITE

IMPROVEMENTS
1255 MAIN STREET
KEYMOUTH, MA
APRIL 17, 2015



PROPOSED OVERALL FLOOR PLAN

SCALE: 1/16"=1'-0"



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& ASSOCIATES INC.
ARCHITECTS**

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Smithfield, Rhode Island

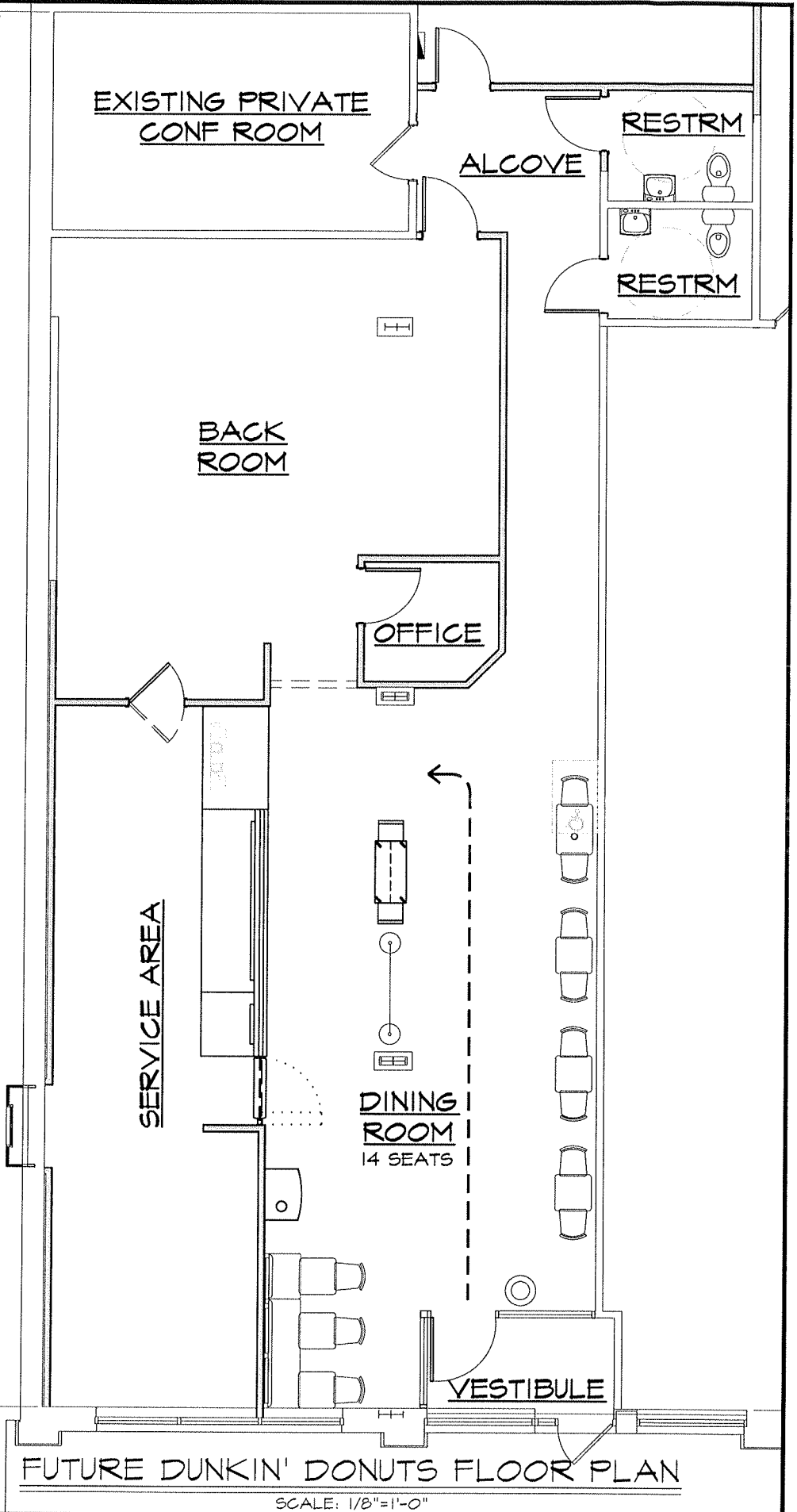
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F 401-232-5080

WWW.ARCH-ENG.COM

**SITE
IMPROVEMENTS**
1255 MAIN STREET
WEYMOUTH, MA
APRIL 17, 2015

76'-7 1/4" ± VIF

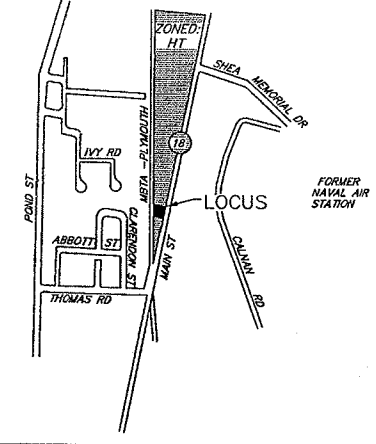


FUTURE DUNKIN' DONUTS FLOOR PLAN

SCALE: 1/8"=1'-0"

LOCUS MAP

SCALE: 1"=800'



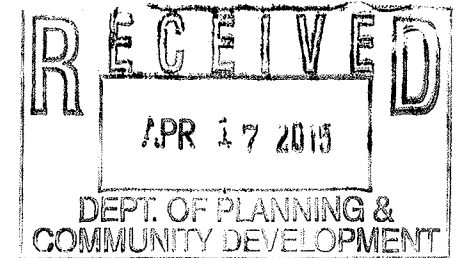
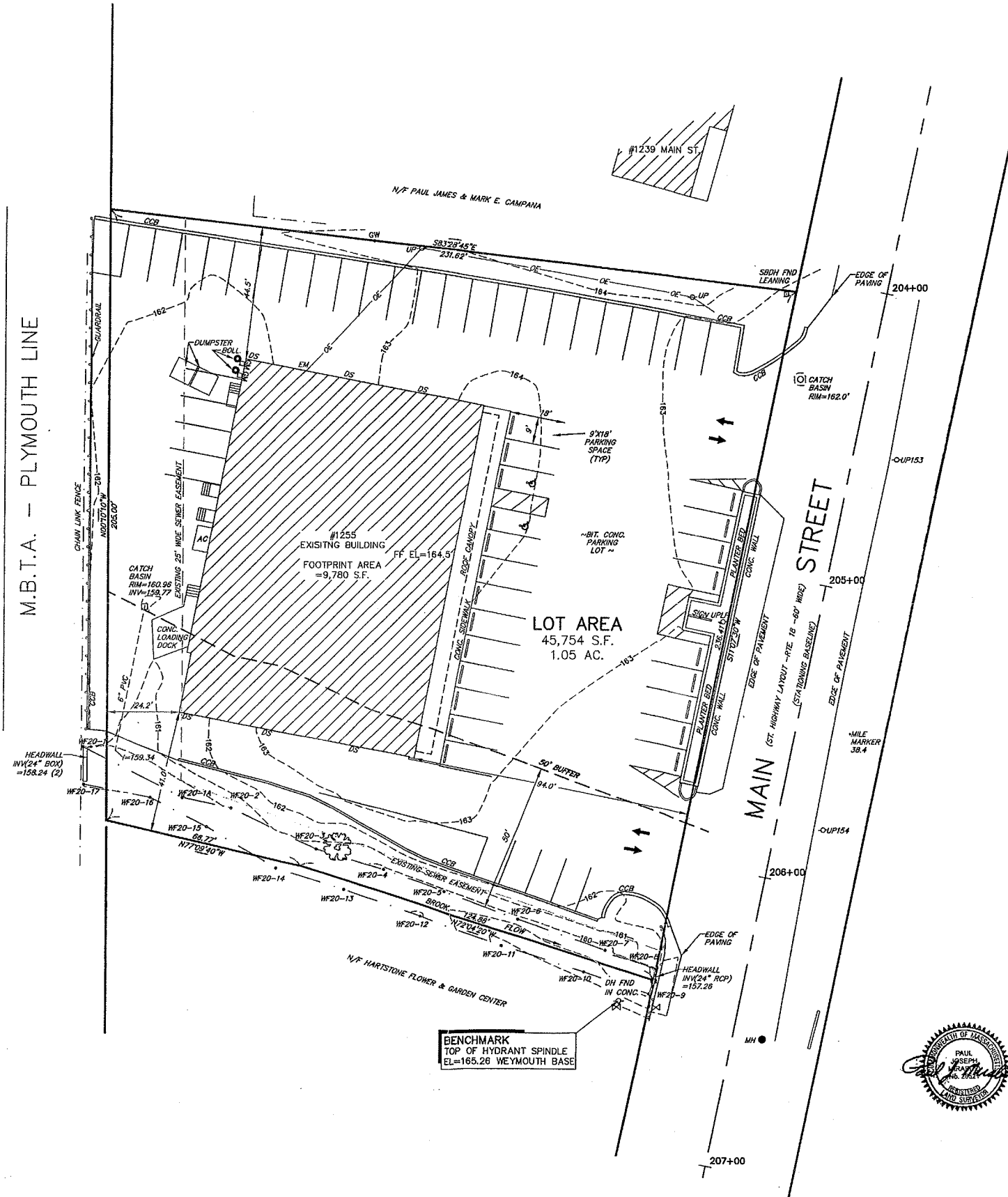
LEGEND

DS	DOWNSPOUT
GM	GAS METER
EM	ELECTRIC METER
AC	AIR CONDITIONING UNIT
WF	WETLAND FLAG
DH	DRILL HOLE
UP	UTILITY POLE
CCB	CAPE COD BERM
SHLO	STATE HIGHWAY LAYOUT

NOTES:

1. ZONING CLASSIFICATION - HIGHWAY TRANSITION DISTRICT, HT
2. THE LOCUS IS NOT IN THE TOWN OF WEYMOUTH WATERSHED PROTECTION DISTRICT.
3. THE LOCUS IS NOT INT THE TOWN OF WEYMOUTH GROUNDWATER PROTECTION DISTRICT.
4. THE LOCUS LIES IN A FEMA FLOOD ZONE X AS SHOWN ON FIRM MAP COMMUNITY PANEL NO. 250257 0237E, EFFECTIVE DATE JULY 17, 2012.
5. LOCUS DEED: BOOK 32977 PAGE 186, RECORDED MAR. 19, 2015. ASSESSORS REFER: PARCEL ID# 53-593-7.

M.B.T.A. - PLYMOUTH LINE



OWNER AND APPLICANT

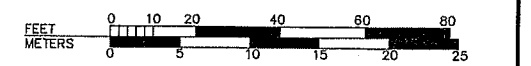
BIKE REALTY LLC
75 SHARP STREET
HINGHAM, MA 02043

EXISTING CONDITIONS PLAN FOR 1255 MAIN STREET IN WEYMOUTH, MASS.

SCALE: 1"=20' APRIL 17, 2015

ROSS ENGINEERING COMPANY INC.
PROFESSIONAL ENGINEERS - LAND SURVEYORS

683 MAIN STREET
NORWELL, MASS. 02061
(781)659-1325



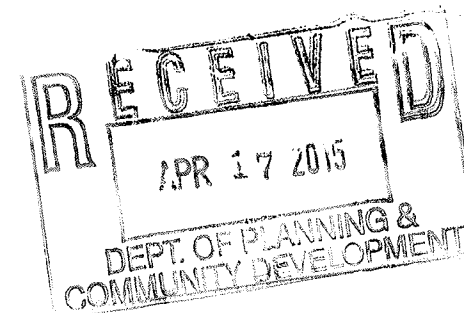
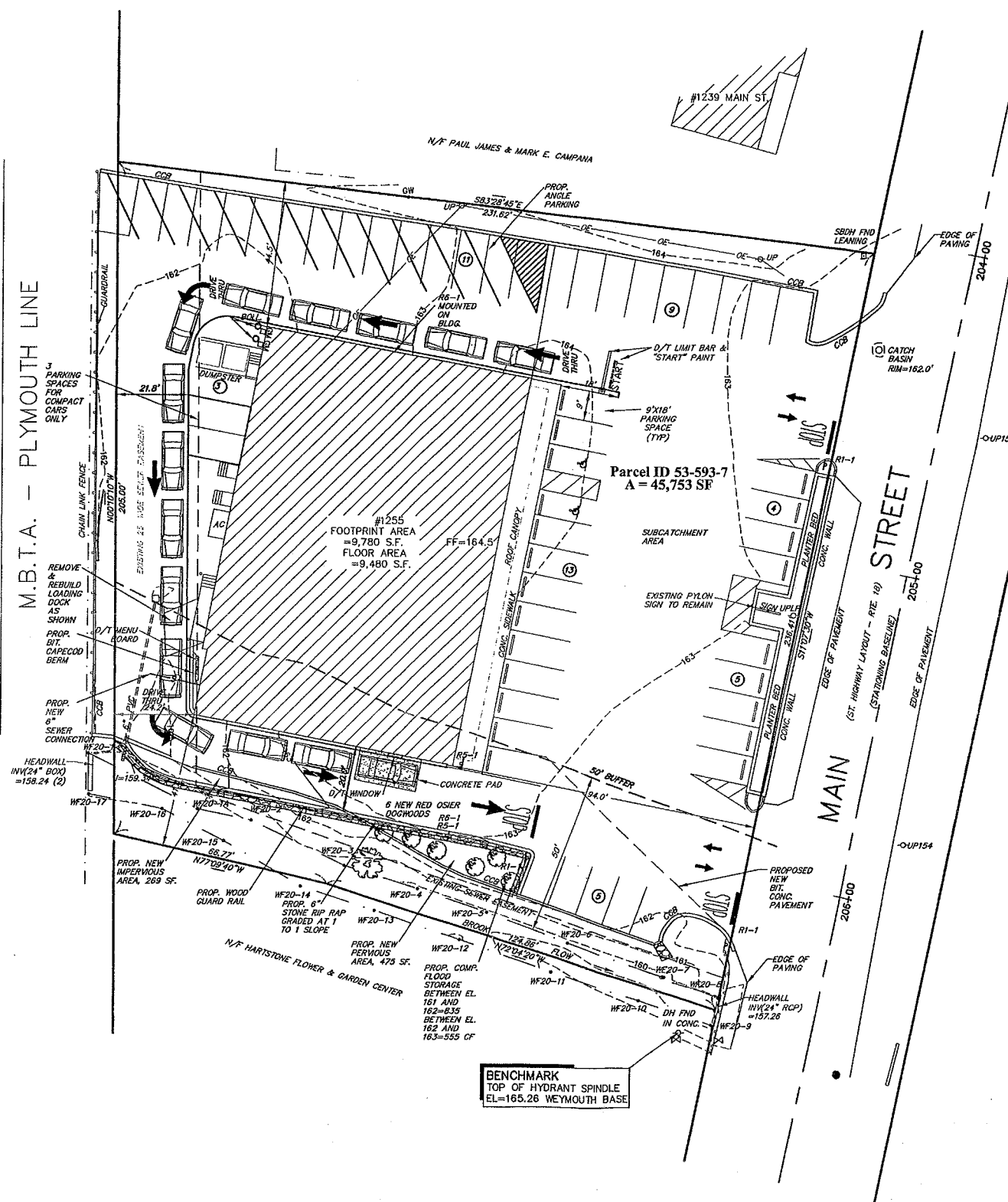
JN 3639-ECP



Goldman Environmental Consultants, Inc.
60 Brooks Drive
Braintree, MA 02184
(781) 356-9140 Fax: (781) 356-9147
www.GoldmanEnvironmental.com



SIGN SUMMARY			
M.U.T.C.D. NUMBER	SPECIFICATION		TEXT
	WIDTH	HEIGHT	
R1-1	24"	24"	STOP
R7-8*	12"	18"	RESERVED PARKING
R5-1	24"	24"	
R8-1	36"	12"	ONE WAY



DIMENSIONAL REQ.

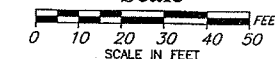
HIGHWAY TRANSITION DISTRICT HT			
DIMENSION	REQUIRED	EXISTING	PROPOSED
LOT AREA, SF	15,000 SF	45,753 SF	45,753 SF
FRONTAGE, LF	60 LF	236.4 LF	236.4 LF
LOT WIDTH, LF	75/60 LF	234 LF	234 LF
FRONT SETBACK, LF	20 LF	94 LF	94 LF
SIDE SETBACK, LF	20 LF	44.3 LF NTH.	44.3 LF NTH.
SIDE SETBACK, LF	20 LF	41 LF STH	41 LF STH
REAR SETBACK, LF	10 LF	24.2 LF	24.2 LF
BUILDING HEIGHT, LF/STORIES	45 LF/3 STYS	15 LF/1 STY	15 LF/1 STY
LOT COVERAGE	50% MAX.	21.1%	21.1%
OFF STREET PARKING	45 SPACES	53	65
OFF STREET LOADING	1	1	1
PARKING SETBACK	N/A	4.3 LF	4.3 LF
LANDSCAPING	25%/11438 SF	19%/8645 SF	19%/8645 SF

*-INCLUDES 15 SPACES FOR STORED CARS IN DRIVE THROUGH LANE

Notes

1. BASE MAP TAKEN FROM "EXISTING CONDITIONS PLAN" FOR 1255 MAIN ST. WEYMOUTH, MA DATED APRIL 17, 2015

Scale



1" = 20'

GEC Project Number 1818-5010

Site Plan for Drive Through

1255 Main St.
Parcel ID 53-593-7
Weymouth, Massachusetts

1

Figure No.

Owner/Applicant
Bike Realty LLC
72 Sharp St. A-7
Hingham, MA 02043

