

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
186 MAIN STREET**

(To be mailed forthwith to the owner and applicant, if not the owner.)

Owner:	186 Main LLC	Date:	March 1, 2017
Address:	259 Union Street Braintree, MA 02184		
Applicant:	186 Main LLC	Case #:	3318
Address:	259 Union Street Braintree, MA 02184		
Representative:	Frank A. Marinelli, Esq. 259 Union Street Braintree, MA 02184	Site Address:	186 Main Street
		Sheet:	29
		Block:	375
		Lot:	2

Zoning District: B-1

Board of Zoning Appeals application filed on December 19, 2016.

After a public hearing on January 25, 2017, advertised in the Weymouth News on January 11, and January 18, 2017, the Board of Zoning Appeals at its meeting of January 25, 2017

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Section 120-40, Extension of use requiring special Permit under 120-24 (A) to grant relief for the petitioner to construct a 3-story ~12,700 SF addition with 277 self-storage units to an existing 3-story, ~22,000 SF self-storage facility with 502 self-storage units per plan entitled "Site Development Plans for 186 Main Street (Route 18) Weymouth, MA", prepared by Kelly engineering Group, Inc., dated December 9, 2016

FINDINGS:

1. The specific site is an appropriate location for such a use.
This is a continuation of an approved use as a storage facility.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
The site is already operating as a storage facility.
5. That the public convenience and welfare will be substantially served with the proposal.

CONDITIONS:

- Prior to issuance of a certificate of occupancy, all the Health Department and Fire Department issues are resolved, as well as all Conservation Commission issues as outlined in the letter dated 1/18/17 be addressed satisfactorily to the town.
- The existing order of conditions dated 10/26/2012 and extended for 1 year, is extended again.
- Submission of a landscape plan for approval by Planning Department
- Hours of operations to remain the same

Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

After the twenty (20) day appeal period has passed, the Town Clerk will send to the petitioner: (1) the certificate that no appeal was filed, (2) the certificate of granting of variance and/or special permit and (3) Record of Proceedings. The petitioner shall record these documents with the Norfolk Registry of Deeds, Dedham, MA, with the appropriate filing fee.

When a receipt from the Registry of Deeds is presented to the Building Inspector (to show that the decision has been recorded), the proper permit will be issued.

Decision filed with the Town Clerk on March 1, 2017

IMPORTANT: Notice is further given that any person aggrieved by this decision may appeal, according to MGL Chapter 40A, Section 17, and said appeal, if any, must be filed with the Town Clerk within twenty (20) days after the filing of the decision with the Town Clerk.

Robert J. Luongo, Director of Planning and Community Development

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, January 25, 2017

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Chuck Golden
Brandon Diem

Ed Foley - Absent

Also Present: Bob Luongo, Director of Planning
Eric Schneider, Principal Planner
Janet Murray, Recording Secretary

Mr. Denizkurt called the Board of Zoning Appeals meeting to order at 7:05 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Case #3318 - The petitioner, 186 Main LLC, for property located at **186 Main Street**, also shown on the Weymouth Town Atlas sheet 29, block 375, lot 2, located in a B-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-40 Extension of use requiring Special Permit under 120-24(A)

Presently located on the lot is an existing 3-story, ~22,000 SF, 502-unit self-storage facility. The petitioner seeks to construct a 3-story ~12,700 SF addition with 277 self-storage units.

Mr. Moriarty made a motion to open the public hearing on Case #3318 and was seconded by Mr. Golden. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Mr. Golden. **UNANIMOUSLY VOTED.**

Frank Marinelli appeared before the Board. He introduced David Maxwell from Kelly Engineering Group who prepared the site plan as well as Scott MacDonald, general manager of Castle storage. The proprietors of Castle Self-Storage, Mr. Gardner and his son, were also present.

Mr. Marinelli gave a brief break-down of Mr. Gardner's business ties to Weymouth. He also noted that the property brings \$150,000 in real estate revenue for the town.

In 2014, the applicant demolished the 38,000-square foot Mass Electric building that had been located on the site.

He stated that the addition will carry forward the same design and materials as in the original building.

Mr. Marinelli noted that this is a quiet use of the property in a B-1 zoning district. There have been not problems to date.

The lot is 9.4 acres. The addition will be 12,700 square foot which with the existing building will still be a smaller foot print than the original building. He also noted that this use does not consume municipal services.

The parking requirement is one parking space for every 8200 square feet of the building. There are currently 13 spaces. With the addition, five more spaces are required but the site plan calls for a total of 18 spaces.

There are 20 vehicle trips per day and two during the peak hours. The site has a state of the art security system. Hours of business are as follows: 8-7 Monday through Friday, 8-5 on Saturday, 10-4 on Sunday. The same hours will apply for the addition.

Mr. Marinelli stated that he believes that the application meets the following special permit requirements:

1. The specific site is an appropriate location for such a use.
The site is already used for this purpose.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
The site is in a commercial corridor and is a low impact use.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
Castle Storage and its entities are experienced self-storage operators.
5. That the public convenience and welfare will be substantially served with the proposal.
The public convenience is served as they would not build more units if not needed.

Mr. MacLeod asked what is located in the rear of the property.

Mr. Marinelli stated that Honda of Weymouth Vehicle storage and Kennedy Automotive are behind the storage units. He stated that Kennedy Auto has had

recent issues with the Health Department and the Conservation Commission (this statement was later corrected to state that the issues are with National Auto Recovery (NAR)).

He informed the board that a letter was sent on Friday and his client has spoken with the tenant. The tenant has been told that the owner agrees that the site must be cleaned up and in compliance with town requirements.

There is an existing garage building. Neither of these tenant's occupancy impacts the proposed use.

Mr. McLeod asked if the lighting in the back will be similar to what is in front. Mr. Marinelli stated that it will be the same.

Eric Schneider stated that there were no additional comments about the proposed permitted use.

Mr. Luongo asked if there will be landscaping around the back? He noted that a landscape plan was not submitted. Mr. Marinelli stated that it will be similar to what is already on the site.

Mr. Luongo asked if all four facades will be the same. Mr. Marinelli stated that the westerly façade blends into the back but that the other facades will be the same material.

Mr. Luongo stated that there is an order of conditions that needs an extension. Mr. Marinelli stated that Kelly Engineering has filed for the extension of the order of conditions on 2/8/17.

Mr. Luongo then stated that a notice of intent may need to be filed with the Conservation Commission on the addition, as well.

David Mackwell will the Kelly Group, stated that there will be a filing the conservation. A request to amend the existing order of conditions will be filed after it is extended. He noted that this has been planned for in order to finish the project.

Mr. Luong stated that he would suggest the following conditions:
All concerns of the Health Department and the Conservation Commission and Fire Department are satisfied.

Mr. Luongo noted that the applicant has been cooperating with the town to resolve the issues with the tenant.

Mr. Gardner stated that Kennedy Auto is not the problem. NAR, National Auto Recover, Glen Gillis, is the problem.

Mr. Luongo aslo state that prior to issuance of Building Permit all of the concerns noted be resolved.

Mr. Marinelli stated that they served a copy of January 20, 2017 letter from the town concerning the violations to NAR. The tenant has been informed that they correct the problem or be evicted.

Mr. Gardner requested that corrections of the issues be tied to the Certificate of Occupancy rather than building permit.

Mr. Luongo also stated that a landscape be submitted.

Mr. MacLeod asked if there was anyone present who would like to speak. There was no comment.

Mr. Moriarty made a motion to close the public hearing and was by Mr. Golden. UNANIMOUSLY VOTED.

Mr. Denizkurt made a motion to approve the request for a special permit for Case #3318.

6. The specific site is an appropriate location for such a use.
This is a continuation of an approved use as a storage facility.
7. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
8. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
9. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
The site is already operating as a storage facility.
10. That the public convenience and welfare will be substantially served with the proposal.

With the following conditions:

- Prior to issuance of a certificate of occupancy, all the Health Department and Fire Department issues are resolved, as well as all Conservation Commission issues as outlined in the letter dated 1/18/17 be addressed satisfactorily to the town.
- The Existing order of conditions dated 10/26/2012 and extended for 1 year, is extended again.
- Submission of a landscape plan for approval by Planning Department
- Hours of operations to remain the same

The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

March 1, 2017

Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance or Special Permit has been granted to 186 Main LLC, 259 Union Street, Braintree, MA 02184, affecting the rights of the owner with respect to land or buildings at 186 Main Street, Weymouth, MA, also shown on the Weymouth Town Atlas Sheet 29, Block 375, Lot 2, and the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance – special permit, and that copies of said decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

Robert J. Luongo, Planning Director

Kathleen Deree, Town Clerk

Case # 3318

Date of Hearing: 1/25/2017