

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

**TO BE COMPLETED BY STAFF**

*Town Clerk Stamp*

Case Number: \_\_\_\_\_

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:** 88 Pleasant Street

Assessor's Map Sheet, Block, & Lot: 45-518-26 (45-518-18 22 Fogg Rd)

Zoning District: B2, R1 (MSD) Overlay District: Watershed Protection

**OWNER OF RECORD (S)** (print & sign): 88 Pleasant 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: 613 Main Street, Hingham, MA 02043

Norfolk County Registry of Deeds Book and Page No. \_\_\_\_\_

Or registered in Land Registration Office under Certificate No. 199552

**NAME OF APPLICANT (S)** (print & sign): 88 Pleasant Street, LLC.

Applicant's Address: 613 Main Street, Hingham, MA 02043

Contact Information: Email hugh@bradymac.com Phone 617-212-1048

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

**NAME & AFFILIATION OF REPRESENTATIVE:**

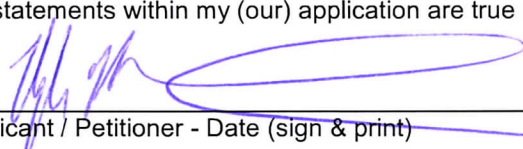
Address: \_\_\_\_\_

Contact Information: Email \_\_\_\_\_ Phone \_\_\_\_\_

**NAME OF ENGINEER AND / OR ARCHITECT:** EMBR Architects, LLC.

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.

 **HUGH Mc LAUGHLIN** 02/28/21  
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 120-27C; Table 1

*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):

Currently, there is a 12,181 square foot, former bank building fronting on Pleasant Street. The rear portion of the property is comprised of parking, with access out to Fogg Road.

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

We desire to demolish the existing building and construct a mixed-use building of 30 residential units and two commercial units facing Pleasant Street. The new building will be 29,950 square feet.

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).

The proposed residential use is allowed under Section 120-27C by special permit. The commercial use is allowed by right under Section 120-23G.

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).

Yes, case# 3409. Special permit was sought under section 120-40, extend a non-conforming lot. The existing building was to be renovated and an accessible ramp and elevator were to be added. The work was never performed. The property has remained unchanged and unoccupied since the special permit request.

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

The property is located in three different zoning districts: B-2 (fronting on Pleasant Street; R-1 (in the central portion of the site); and Medical Services (in the rear portion of the site fronting on Fogg Road).

## 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		Bank	Multiple dwellings / Commercial
Lot Area / Size (Sq. Ft.)	None	33,911	No Change
Dwelling Units		0	30
Frontage (ft.)	None		
Lot Width (ft.)	None	106.30'	No Change
Front Yard Setback (ft.)	None	18.2'	4.5'
Front Yard Setback (ft.) – corner lots	N/A	N/A	N/A
Side Yard Setback (ft.)	None	0.4'	3.9'
Side Yard Setback (ft.)	None	19'	5.9'
Rear Yard Setback (ft.)	None	N/A	No Change
Height (ft.) & # of Stories	6 stories max, 80' max	2 stories, approx. 25'	4 Stories, approx. 45'
Lot Coverage	None	.16	.29 approx. see site plan for detail
Off-Street Parking Spaces	2 per dwelling unit	32	61
Off-Street Loading Spaces	N/A	N/A	N/A
Parking Setback		3'	5'
Accessory Structure Setback	N/A	N/A	N/A
Landscaping		See site plan	See site plan
Floor Area Ratio		0.30	0.63
Signage		freestanding approx. 50 s.f.	per zoning, and for safety / wayfinding
Other:			

## 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.

The site is an appropriate location for such uses - residential and commercial - because it will create new pedestrian activity in Columbian Square. New residents will be living there, using neighborhood businesses, and two new commercial spaces will bring additional new pedestrian and business activity to the square.

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

The new use and structure will positively affect the character of the neighborhood, the design and height will be in keeping with the neighborhood; and its uses will begin to transform Columbian Square with new activity. This project could be the catalyst for new responsible developments within the square.

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

There is no potential for serious hazard to vehicles or pedestrians. The access into and out of the site will be carefully planned in cooperation with the city to make certain that there are no such hazards. Vehicular traffic will have no access to the site from Pleasant Street. The project as a whole will not generate extensive, new vehicular traffic.

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

All appropriate facilities, utilities, and services will be planned in strict accordance with city regulations, and in full cooperation with the city government.

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

The convenience and welfare of the public will be completely served by this proposal because it will provide badly needed housing for residents, will provide new commercial space for local businesses, and will improve the architectural character of Columbian Square.

## 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.

A literal enforcement of the FAR requirement in the zoning ordinance would create a substantial financial hardship. The proposed scale of the project (30 residential units and 2 commercial units) is necessary for the project to be financially feasible. The project matches the scale and density of Columbian Square. The existing FAR requirement would require the density of the project to be reduced to less than 50% of its proposed scale, and make the project financially unfeasible.

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.

The hardship is created by a number of different factors. Most importantly, the shape of the land parcel involved has placed it in three different zoning districts - B-2, R-1, and Medical Services - which creates a hardship in and of itself. As a result, though, we are attempting to develop the project only in the B-2 district that fronts on Pleasant Street, in order to minimize the extent of zoning relief necessary for the project to proceed. The hardship especially affects this land and proposed structure because of the multiplicity of districts, but does not generally affect the zoning district in which it is located.

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.

Desirable relief would not create a detriment to the public good and would not nullify or derogate from the intent or purpose of the zoning ordinance because the relief would allow for a high quality development to take place in Columbian Square that is in keeping with the existing scale of the neighborhood, with a responsibly design that will add to the character of the square, with uses that will bring important pedestrian activity with increased residential development and first floor commercial spaces. The proposed development will provide an important public good by increasing the supply of housing in the town, which is badly needed. The proposed development will promote the public health, safety, convenience, and welfare of the community, will enhance property values in the neighborhood, and will create no injurious, noxious, offensive, or detrimental uses in the neighborhood. In fact, the proposed uses of the development are allowed in the underlying district.

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.

The FAR variance, as it relates to floor space, bulk, and other measures, is no greater than that necessary to provide relief from the hardship because it allows for a development sufficient to make it financially viable, and at the same time provides for a development that is in conformance with the scale and character of the neighborhood.

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.