

2023 OCT 30 AM 11:24

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

TO BE COMPLETED BY STAFF

Case Number: 3518

Town Clerk Stamp

Submittal Accepted: Monica Kennedy Date 10/30/23
Signature of Planning Dept. Staff for minimal requirements

Determined to be complete and may now be filed with Town Clerk: [Signature]
Signature of Principal Planner or Director

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 739 Pleasant Street

Assessor's Map Sheet, Block, & Lot: Map 35, Block 446, Lot 3

Zoning District: Residential District R-1 Overlay District: n/a

OWNER OF RECORD (S) (print & sign): Paul K. Cook, John F. Cook, Jr. (Olga B. Cook, personal representative of estate)
(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: 25 Woronoco Rd., Weymouth, MA 02191

Norfolk County Registry of Deeds Book and Page No. 35324-399

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Viking Development, LLC

Applicant's Address: 302 Innovations Drive, Suite 130, Franklin, TN 37067

Contact Information: Email bryan.slonski@thegardnerschool.com Phone 615-613-0376

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Andrew Platt c/o Bohler Engineering MA, LLC

Contact Information: Email aplatt@bohlereng.com Phone 508-480-9900

NAME OF ENGINEER AND / OR ARCHITECT: Bohler Engineering, NORR Architects

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.

Bryan Slonski BRYAN SLONSKI - 10/19/2023
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 120-74.M(2) Day-care centers: one space for each employee, plus one space for each six clients of the licensed capacity, not including any shared parking spaces, plus sufficient off-street space

for safe and convenient loading and unloading of clients. Off-street space for loading and unloading shall consist of an additional minimum of one space for each 12 clients of the licensed capacity.

Relief is sought from required parking space count of 88 spaces, to proposed 55 spaces. 55 spaces meets operational needs of daycare operator, as studied at existing locations. Due to grading constraints on the site it is not feasible to provide full count required by Ordinance.

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):

Single family residence located near south end of the site along Pleasant Street, approximately 882 SF. Frame shed in the rear of the property is used by a landscaping business, approximately 538 SF.

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

Construction of a 16,200 SF Daycare center, including parking lot for 55 cars, fenced-in playground, trash enclosure, lighting, landscaping, and stormwater management basins.

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).

Dover Amendment (M.G.L. Ch. 40A, Sec. 3)

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).

No.

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		882	16,200
Lot Area / Size (Sq. Ft.)	25,000	106,554	106,554
Dwelling Units	-	1	0
Frontage (ft.)	40	354	354
Lot Width (ft.)	120'	352.4	352.4
Front Yard Setback (ft.)	18'	31.4	18.8
Front Yard Setback (ft.) – corner lots	N/A	N/A	N/A
Side Yard Setback (ft.)	10'	18.5 (house) / 5.8 (shed)	133.3
Side Yard Setback (ft.)	10'	396	39.8
Rear Yard Setback (ft.)	24'	115	37
Height (ft.) & # of Stories	35' (2.5 STY)	2 STY	18.8' (1 STY)
Lot Coverage	30%	1.4%	15.2%
Off-Street Parking Spaces	88	0	55
Off-Street Loading Spaces	0	0	0
Parking Setback	-	-	-
Accessory Structure Setback	-	5.8'	24 (trash encl.)
Landscaping	-	NONE	PER PLAN
Floor Area Ratio	-	0.008	0.152
Signage	-	NONE	34 SF WALL, 36 SF FREESTANDING MONUMENT
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.

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

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

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

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

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.

Providing 88 the required 88 spaces would require full development of the property, and would require extensive earthwork and retaining walls. This would not be viable financially, and would be less desirable aesthetically than proposed.

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.

Shape and topography of the land constrain driveway access to the SW corner of the property, and building has been placed atop the hill at the north end of the property to avoid excessive excavation. The Parking lot extends as far toward the back of the property as practicable while maintaining vehicle circulation within the lot.

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 55 parking spaces will be adequate, based on data from other similar facilities of the same size and number of students at many other locations operated by the same tenant.

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.

55 spaces is the maximum practical size of a parking lot on this site, while respecting setbacks and minimizing earthwork and the limits of development within the site.

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.