

**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: 46 Union St.

Assessor's Map Sheet, Block, & Lot: 46-525-21

Zoning District: B-2, R-1 Overlay District: Watershed

OWNER OF RECORD (S) (print & sign): Build One Properties, LLC *B. P. McGettrick, Member*
(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: 9 Arborview Terrace, W. Bridgewater, MA

Norfolk County Registry of Deeds Book and Page No. Book 36843, Page 550

Or registered in Land Registration Office under Certificate No. N/A

NAME OF APPLICANT (S) (print & sign): Brant McGettrick

Applicant's Address: 9 Arborview Terrace, W. Bridgewater, MA 02379

Contact Information: Email bmcgettrick@comcast.net Phone 617-922-9622

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

NAME & AFFILIATION OF REPRESENTATIVE: David White

Address: 6 Beaumonts Pond Dr., Foxboro, MA 02035

Contact Information: Email davidwhite500@gmail.com Phone 781-844-3160

NAME OF ENGINEER AND / OR ARCHITECT: Wendy Welton, Artform 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.

Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: X Special Permit Variance Other:

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

120-40

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 existing building is currently permitted as a retirement home. Occupancy permit for 36 residents plus staff.

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

We propose rebuilding the existing house with a small addition in the rear to be Occupied as 12 one, two and three bedroom condo units.

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).

120-40 existing non-conforming use to another non-conforming use.

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).

See occupancy permit in drawing set.

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

The proposed use will reduce the total number of occupants on the property, repair the Historic look of the façade and reduce the disruption and traffic on the property.

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		RETIREMENTS HOME	12 CONDOS
Lot Area / Size (Sq. Ft.)	NONE	37,475.21	37,475.21
Dwelling Units	Ø	1 UNIT, 36 BEDS	12 UNITS
Frontage (ft.)	NONE	154.20'	154.20'
Lot Width (ft.)	Ø	154.20'	154.20'
Front Yard Setback (ft.)	Ø	100.6'	100.6'
Front Yard Setback (ft.) - corner lots	-	-	-
Side Yard Setback (ft.)	10'	48.4'	48.4'
Side Yard Setback (ft.)	10'	41.1'	12.3'
Rear Yard Setback (ft.)	24'	50.0'	42.0'
Height (ft.) & # of Stories	35', 3 STORY	45', 3 STORY	45', 3 STORY
Lot Coverage	NONE / 30%	.087	.155
Off-Street Parking Spaces	2 PER UNIT	20+	26
Off-Street Loading Spaces	Ø	Ø	Ø
Parking Setback	> 2'	> 2'	> 2'
Accessory Structure Setback	-	-	-
Landscaping	-	-	-
Floor Area Ratio	.30	.19	.29
Signage	-	-	-
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.

This 12 unit condominium building will be an improvement for both the neighboring property owners and the general public. The existing building has fallen into significant disrepair and has become an eye sore as well as a potential hazard. The location is on a busy street with commercial use buildings and residential homes. This proposed use will not impact traffic or create any added congestion along Union Street.

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

This project will only maintain and improve the character of the neighborhood. As the house has significant historic value and is listed by the Weymouth Historical Commission as 1865 Josiah Reed House it will be preserved and repaired with little change from its original grander. The street view of the front façade will be maintained, preserving it for many years to come.

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

As a retirement home many vehicles, ambulances, emergency personnel and other traffic came and went at all hours. As proposed, the approximately 20-26 residents will use it as their home.

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

As proposed, this use will reduce the burden on public utilities as occupancy count will go down from current use. Also, as noted above, the emergency services calls to this address will be reduced significantly.

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

As a private condominium building this use will contribute a significantly higher tax to the town of Weymouth and in turn will benefit the public good.

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 existing historic building is set on a lot that is partially B-2 and partially R-1. The structure pre-dates the zoning.

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

This building has operated as a retirement home since the 1950's

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.

The building was in use as a retirement home and had occupancy permitting in place.

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

The proposed additional square footage is allowed on the B-2 portion of the lot. We propose to relocate this allowable square footage to the rear of the lot in order to preserve the street look of the original house.

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

The existing paved driveway allows for approximately 20 spaces. We propose new spaces totaling 26.

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:

As the house has significant historic value and is listed by the Weymouth Historical Commission as 1865 Josiah Reed House it will be preserved and repaired with little change from its original granger. The street view of the front façade will be maintained, preserving it for many years to come. The addition on the back right side and rear second floor will have little effect on the original view from the street or front.

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.

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.