

*Town of Weymouth
Massachusetts*

Kathleen A. Deree
Town Clerk

Town Clerk's Department
781-340-5017
781-682-6129 (FAX)



Robert L. Hedlund
Mayor

75 Middle Street
Weymouth, MA 02189

January 13, 2020

To Whom It May Concern:

I, Kathleen A. Deree, Town Clerk of the Town of Weymouth do hereby certify this to be the action taken by the Board of Zoning Appeals at their meeting held on December 11, 2019 on APPLICATION OF: Build One Properties, LLC, Case # 3402.

No appeal was filed within the twenty (20) day appeal period.

Signed: Kathleen A. Deree

A True Copy. ATTEST:

Kathleen A. Deree

Kathleen A. Deree
Town Clerk

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
46 UNION ST**

RECEIVED
TOWN OF WEYMOUTH
PLANNING OFFICE

2019 DEC 23 AM 11:25

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

Owner:	Build One Properties, LLC	Date:	December 23, 2019
Address:	9 Arborview Terrace W. Bridgewater, MA 02379		
Applicant:	Brant Mcgettrick	Case #:	3402
Address:	9 Arborview Terrace W. Bridgewater, MA 02379		
Representative:		Site Address:	46 UNION ST
		Sheet:	46
		Block:	525
		Lot:	21
Filing Date:	12/3/2019		
Hearing Date:	12/11/2019		
Advertised:	11/27/2019 & 12/4/2019		

Zoning District: B-2 & R-1

At a public hearing on 12/11/2019 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Weymouth Zoning Ordinance 120-40, Extension or Change of a Nonconforming Uses* to permit the petitioner to restore the existing Second Empire structure and add a small addition as per site plan by Farland Corporation dated 12/5/2018. The plan proposes 12 residential condominium units with a total of 26 off-street parking spaces.

FINDINGS:

The Board found that the proposal was in keeping with the existing character of Columbian Square. The property had been used as a retirement home for decades which the Board agreed was a more intense use than the current proposal.

The Board further found that the proposal met the requirements for a Special Permit under Section 120-122 (D) as follows:

1. The specific site is an appropriate location for such a use. *The property is located in the Columbian Square Village Center and has been home to multiple tenants for decades.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The proposal is for 12 condominium units. The Board concluded that this would generate less traffic and disruption to*

abutters than the prior retirement home use which generated substantial visitor and emergency vehicle traffic.

3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The proposal has adequate off street parking and the proposed use will generate less vehicle trips per day than the historic use.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The project will be reviewed by both the Building Department and the Weymouth Department of Public Works.*
5. That the public convenience and welfare will be substantially served with the proposal. *The existing building is on the Town of Weymouth Demolition Delay list as it is deemed an historical asset to the Town. The building is currently in disrepair and was subsequently deemed uninhabitable by a significant flood event. This approval will allow for the rehabilitation of the building while preserving much of its architectural features. Further, the project will create 12 new residential units.*

CONDITIONS:

1. Restoration plan for the main building, as well as plans for any additions, shall be submitted to the planning dept. for approval prior to submitting to Building Department for a building permit
2. All additions shall be sensitive to the historic character of the original building including type of exterior materials utilized – wood or wood like materials with no vinyl or aluminum siding.
3. Type of windows utilized on the additions, as well as their placement, shall match windows of existing building –meaning if existing are four or four windows addition should have similar
4. Developer is strongly encouraged to carry over to the new addition any details that would help blend the new addition with the old. In particular the roof of the new addition shall be pitched.
5. All HVAC and electrical equipment shall be screened from public view either with fencing or landscaping.
6. All noise from HVAC equipment shall be surrounded by some sort of sound barrier
7. Detailed landscaping plan shall be submitted to the Planning Department for approval before building permit issued- preference is for plantings to screen the abutting properties or a combination of fencing and vegetation.
8. A detailed lighting plan shall be submitted to the planning dept. for approval before a building permit is issued. All exterior lighting shall be LED and shall not intrude into the abutting lots. Wall pack lighting is discouraged.
9. The Developer shall to the maximum extent possible limit intrusions into the front yard. The granite posts and wall along Union Street shall be preserved and restored.
10. Dumpster shall be screened from public view with the final location to be determined by the Planning Department with input from abutters.
11. The developer agrees that the dwelling units shall be sold as condominiums.
12. The developer has agreed to investigate the possibility of making one of the units “affordable” as per HUD guidelines.

13. The developer shall continue to work in good faith to satisfy the concerns of abutters related to screening and drainage concerns. A summary of those concerns, as submitted by James and Lauren Southwood, are attached as Exhibit 1. A drainage plan will be submitted to the Weymouth DPW.

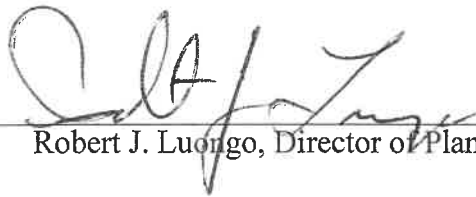
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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. 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 December 23, 2019

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

EXHIBIT #1

James and Lauren Southwood
17-19 Blanchard Road
Weymouth, MA 02190
781.248.1486 (Jay - mobile)
southwood.holdings@gmail.com

12/11/19

Town Representatives and Property Developers:

My wife and I own 17-19 Blanchard Road. Our property is the back abutter and is arguably affected more by this project than any other neighbor. Overall, we welcome the project. We always want to see history and character preserved. We believe it will be good for home values and good for the neighborhood to have condo owners that care for the property as opposed to being empty and unkempt. That said, we do have some serious concerns that we would like addressed before we support the proposal.

Privacy and Screening

The largest impact on us would be the serious privacy and screening issues this project presents. We will now have three parking spots coming right up to our property line. These cars, and their owners, will be right on top of us. Coming and going at any hour. With the new parking spot setup and backlot, twenty six cars will now be coming in and out of the property multiple times a day, every day. Each one of those cars will have its head lamps angled onto our house and in our windows. This will be a serious impact on quality of life for us, and particularly our tenants. Our tenants, as well as my wife and I, are expecting children in the next 6 months. Having lights beaming into the house, along with the increase noise from traffic (car alarms, doors slamming, etc) will make an already challenging situation, more challenging.

Additionally, the unit will now have three windows (on new rear structure containing stairwells), balconies for three units with "rooftop" balconies, and three units with outdoor corner balconies looking back at our house and in some cases down into our yard. The building is also eight feet closer to us now. All of this makes for a new and significant loss of privacy.

Lot Grade/Draining

The house had a water line break and flooded our back yard last year. The amount of water was significant. It made its way into our basement and had to be pumped out. I am concerned about the grade of the lot. We would like to avoid this in the future. Now with a down sloped paved driveway, more water will be heading down. We would like to see a grade and drainage plan to address these issues at the rear of the lot. A combination of a retaining wall, grading, and mature plantings would remedy this issue.

Safety

With young children, we have significant concerns about a transient population. We support ownership as they are residents who will care about their property and neighborhood. We would be ok with long term renters. However, we have concerns about short term rental, air bnb, etc. These rentals will bring unknown quality of people to the area. I consider this a safety concern for my family. We require condo docs to contain language banning the use of condos for short term rentals.

Another resident raised an issue at the 12/4 meeting. He stated that 20-30 years ago he witnessed a gentleman burying/disposing of psychoactive prescription drugs being buried in dirt and leaves at the right rear of the property. He witnessed this on several occasions. It was reported to authorities but never investigated. Being a doctor himself, he was concerned. As homeowners, we would like to see the new owners remove and/or safety encapsulate the area in question.

We would also like to see language that the dumpster or any existing trash, recycling, or waste disposal always be located in the front of the property in the area currently designated on the plans.

One final concern is cars coming down the driveway hill should they lose control, accelerate by accident, etc. They could potentially come through our fence and into our yard where our kids or tenants kids may be playing. We would like to see a landscape plan that protects from this with barriers, mature trees, fencing, retaining wall, etc.

Construction/Sound

With one young child and another on the way construction noise is concern. One years worth of construction of this scale would be abrasive. We would like to hear the project plan and work hours on the project. We require consideration of site work hours of 8a-5p M-F and weekends 9a-4p enforced on site.

To consider supporting this project, we respectfully request the following:

1. Back parking spots be dedicated and assigned residents of a specific unit and never utilized by guests.
2. Produce detailed landscape plan that addresses screening and drainage concerns. Plantings, expected coverage/height, etc. Agree to plant mature trees and shrubs, a mix of evergreen and leaf trees along back lot line. Consideration of a retaining wall.
3. Agree to address headlight concerns with screening and fencing.
4. Agree to remove old chain link border fence and install a new vinyl fence along entire rear property line. Fence to be at least max allowed by code in height with fence extensions max allowed by code, and to be white in color.
5. Address safety concerns with cars potentially coming through the fence and into our yard.

6. Install lattice or other permanent screening on balconies facing or within sightline of our property, particularly the balconies looking down into our yard.
7. Agree to have the lot professionally evaluated to avoid water draining onto our property and the work needed in grading, landscaping, and drainage to keep water out. Consideration of a retaining wall, etc.
8. Agree to include requirements that no unit can ever be used for short term rentals, airbnb, etc.
9. Have illegally disposed of drugs cited by resident properly disposed of or encapsulated.
10. Agree that dumpster, waste, recycling, etc always be kept in the proposed area toward the front of the property.
11. Agree to onsite work hours of 8am - 5pm M-F and 9am - 4pm Saturday, no work on Sundays.
12. Agree to remove an old, dead ash tree located on our lot but reaching over to your lot. It is dead and poses a risk to your tenants and their cars as it lists slightly toward your property. We have no plans to pay for its removal and will not incur this cost. But if you are parking cars directly under, it should come down. It would also make sense to do it during construction as the tree service can't get a truck in our backyard. We don't want to be responsible for any damages to people or property that was previously only garden/grass beneath the tree.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read 'JSW', written over the printed name 'James Southwood'.

James Southwood

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

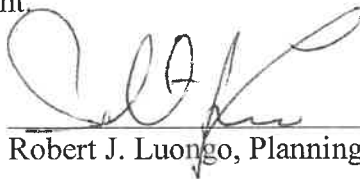
BOARD OF APPEALS

December 23, 2019

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 Brant McGettrick, 9 Arborview Terrace, W. Bridgewater, MA 02379, affecting the rights of the owner with respect to land or buildings at 46 UNION ST also shown on the Weymouth Town Atlas Sheet 46, Block 525, Lots 21, 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 # 3402

Date of Hearing: 12/11/2019