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

October 19, 2022

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 August 24, 2022 on APPLICATION OF: Elksy Development, LLC, Case # 3480.

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
1197 & 1215 WASHINGTON ST

2022 SEP 2 AM 11: 54

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

Owner:	Elksy Development, LLC	**Date:**	September 28, 2022
Address:	180 Canton Ave. Milton, MA 02186		
Owner:	Successor in title to: Carin M. Gosselin Weymouth-Braintree Lodge of Elks No. of the Benevolent and Protective Order of Elks of the United States of America Incorporated f/k/a Weymouth Lodge 2232; Benevolent and Protective Order of Elks of the United States of America, Incorporated	**Case #:**	3480
Address:	1197 Washington Street Weymouth, MA 02189		
Applicant:	Elksy Development, LLC	**Site Address:**	1197 & 1215 Washington St
Address:	180 Canton Ave. Milton, MA 02186	**Sheet:**	35
		Block:	447
		Lots:	1&3
Representative:	Jeffery A. Tocchio, Esq. Drohan, Tocchio & Morgan, PC 175 Derby St. Hingham, MA 02043		
Filing Date:	6/3/2022		
Hearing Date:	7/13/2022 8/24/2022		
Advertised:	6/29/2022 & 7/6/2022		

Zoning District: B-1, HT, R-1, CCOD

After public hearings on 7/13/2022 and 8/24/2022, at a public hearing on 8/24/2022 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Weymouth Zoning Ordinance 120.25.15.B.1 Commercial Corridor Overlay*

The decision of the Board is based on a permit plan set titled *Site Plan Application*, dated 8/12/2022 prepared by Crocker Design Group, LLC. and a set of architectural plans entitled *Elksy Development, LLC Weymouth, MA*, dated 8/12/2022 prepared by Meyer Architecture & Interiors.

FINDINGS:

The Board 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 site consists of nearly 5 acres located at the intersections of State Road 53 and Pleasant Street. It is currently the site of an Elk's Club and associated parking lot and multifamily residential dwelling. The existing parking lot covers the entirety of the property.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The immediate intersection is dominated by commercial uses including neighborhood retail centers on two corners and a large self-storage facility on the third.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *A Traffic Impact Assessment dated May 18, 2022 was prepared and submitted by Ron Muller & Associates. The report was reviewed by the Weymouth traffic engineer and a fire access plan was also reviewed by the Weymouth Fire Department.*
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 constructed in accordance with all Town of Weymouth Building Codes and all DPW sewer requirements. The addition of modern storm water controls will be a significant improvement to existing conditions. The project was concurrently reviewed by the Weymouth Conservation Commission and received an Order of Conditions filed as 81-292.*
5. That the public convenience and welfare will be substantially served with the proposal. *Additional housing for the over 55 demographic is needed in Weymouth. This facility will provide an option for aging residents who wish to downsize while remaining in town.*

CONDITIONS:

1. The Applicant shall operate the Project as an independent senior living facility in a manner consistent with the representations made within the submitted materials and at the hearings before the Board. A covenant agreement or other legal instrument, acceptable in form and substance to Town Counsel, that effectively restricts occupancy of the development as an independent senior living facility, shall be recorded at the Registry of Deeds, and shall be in perpetuity or for as long as the development is not in compliance with the Zoning Ordinance, but for this Special Permit.
2. The Inspector of Buildings based his parking determination on the specific use and business model proposed and as authorized under Section 120-74 (R). Any change in the use will require the reevaluation and approval of the Inspector of Buildings or the Board of Zoning Appeals as determined.
3. As determined by the Director of Planning and Community Development, any substantial deviation from the building materials represented to the Board and/or Director of Planning and Community Development will require approval by the Director.
4. Lighting and landscaping will be per the following plans submitted in conjunction with the application. Specifically, each will be per plans prepared by Longstone Gardens dated July 1, 2022 (Rev August 12, 2022).
5. Remaining comments from Town of Weymouth Engineering/DPW dated 8/23/22 will be addressed to the satisfaction of said departments.
6. Project requires an Order of Conditions from the Weymouth Conservation Commission and will be subject to all conditions set forth by that Commission.

7. In an effort to mitigate potential traffic impacts generated by the project, the applicant agrees to fund improvements to the adjacent intersection of Pleasant and Mutton Lane as described in Item #21 of the Town's Complete Streets priority plan dated April 1, 2022. Applicant contributions to the Mutton and Pleasant intersection improvements to this and other areas deemed necessary shall not exceed $75,000. Alternatively, the payment may be utilized to fund a feasibility and design study for a roundabout in this
location.
8. Applicant agrees to fund a bus shelter and provide any necessary easements.
9. Per plans, a minimum of nine (9) electric vehicle charging stations will be provided on site.

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 **September 28, 2022**
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

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

September 28, 2022

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 Elksy Development LLC, 180 Canton St, Milton, MA, 02186, affecting the rights of the owner with respect to land or buildings at 1197 & 1215 Washington St also shown on the Weymouth Town Atlas Sheet 35, Block 447, Lot 1&3, 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 # 3480
Date of Hearing: 8/24/2022