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TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

TO BE COMPLETED BY STAFF

Case Number:

3424

Town Clerk Stamp

Submittal Accepted:

Date

10/14

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: 122 Washington Street

Assessor's Map Sheet, Block, & Lot: 20-266-8

Zoning District: B-2, R-1

Overlay District: Village Center (VC)

OWNER OF RECORD (S) (print & sign): Washington Street Realty Trust

(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: 122 Washington Street, Weymouth, MA

Norfolk County Registry of Deeds Book and Page No. Book 10838, Page 730

Or registered in Land Registration Office under Certificate No.

NAME OF APPLICANT (S) (print & sign): EJS Investments

Applicant's Address: 8 Shoreside Road, Quincy, MA 02169

Contact Information: Email sathuansa@hotmail.com Phone 401-965-1744

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Barry R. Crimmins, Esq. - 909 Washington Street, Stoughton, MA 02072

Contact Information: Email barry@platinumpartnersllc.com Phone 781-344-2886

NAME OF ENGINEER AND / OR ARCHITECT: Bradley McKenzie PE, McKenzie Engineer Group

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, by his attorney, Barry R. Crimmins, Esquire, September 2, 2020

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):

VCOD Special Permit Section 120-25.13

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 property is located at 122 Washington Street and consists of approximately 27,443 square feet. The site has an existing older two-story wood frame mixed-use dwelling which is 2,096 square feet in size. This site has a large paved area and is primarily used to service the existing two family mixed use dwelling.

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

The Applicant proposes to build a four story mixed use building project which will consist of thirty (28) condominium units consisting of 6 one (1) bedroom units and 22 two (2) bedroom units at 122 Washington Street. Level 2 will provide 11 units and Level 3 will provide 17 units with four units that extend onto Level 4 in a townhouse style. The parking for residential use will consist of 44 parking spaces for residential use and 3 parking spaces on street for commercial use. The retail space will be approximately 1,141 square feet of commercial space on the ground level. The two (2) story existing mixed-use dwelling on the site will be raised in conjunction with the site work.

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).

This proposed use is permitted and encouraged in the Village Center Overlay District (VCOD) with the granting of a Special Permit under Section 120-25.13.

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).

The Applicant is not aware of any previous granted approvals from any Town Board or Commission.

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

This proposal has satisfied the requirements under Section 120-25.13 for Special Permit Standard and Criteria.

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		Residential dwelling	28 unit condominiums
Lot Area / Size (Sq. Ft.)	5,000 S.F.	27,443 S.F.	27,443 S.F.
Dwelling Units			28 units
Frontage (ft.)	50 FT	166.7 FT	166.7 FT
Lot Width (ft.)	50 FT	166.7 FT	166.7 FT
Front Yard Setback (ft.)	7 FT*	3.1 FT	0.0 FT
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	7 FT*	47.8 FT	5 FT (building) 0 FT (retaining wall)
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)	7 FT*	112.4 FT	20 FT (building) 5 FT (retaining wall)
Height (ft.) & # of Stories	<small>1/2, not to exceed 35' or 4 story not to exceed 50' by Special Perm</small>	2-Story	4-Story
Lot Coverage	50% residential 80% mixed-use	3.9% mixed-use	74% mixed-use
Off-Street Parking Spaces	1.5 per unit 3.2 retail	N/A	44 spaces/2 van & 3 on street for comm.
Off-Street Loading Spaces	N/A	N/A	N/A
Parking Setback	N/A	N/A	N/A
Accessory Structure Setback	N/A	N/A	N/A
Landscaping			approx. 19%, will provide landscaping plan
Floor Area Ratio			
Signage			
Other:	* Section 120-25.5C		

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 specific site is an appropriate location for a residential mixed use development in the Village Center Overlay District (VCOD) which was created to encourage small mixed use areas, redevelopment, to enhance the commercial activity, provide housing and create a walkable pedestrian and bicycle friendly sustainability.

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

The proposed use will not be detrimental or adversely affect the character of the neighborhood. With the creation of the Village Center Overlay District (VCOD) and in conformance with the Weymouth Master Plan, this proposal offers the benefits of a Transit Oriented Development (TOD) with access to and within walking distance of the Weymouth Landing Commuter Rail Station. The existing amenities offered in the VCOD area promote a relationship which maximizes residential, business, and leisure shopping within a distance of a public transportation system.

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

This proposal will not cause any nuisance or serious hazard to vehicles or pedestrians. There will be no disruption of the traffic patterns nor pedestrian activities during this time.

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

The Applicant's engineering team of McKenzie Engineering Group has conducted an analysis regarding existing utilities, public services, and has designed the drainage and a stormwater management plan to improve existing conditions. The project will access utility infrastructure located on Washington Street, including sewer, water, electric, gas, telephone, and cable. Also, the construction will include the installation of a subsurface stormwater management system, utilities, site grading and landscaping. The Town of Weymouth will review all plans and reports provided to ensure compliance regarding facilities for this project.

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

The revitalization of this site will enhance the Village Center Overlay District (VCOD) area and offers convenience for residents through the benefits of a Transit Oriented Development (TOD) with access to the Weymouth Landing Commuter Rail Station. This project offers a housing component which consists of 30 units within the VCOD, with both residential and business features, while creating a relationship which attracts residents to utilize the business opportunities in a walkable, pedestrian friendly environment.

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.

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.