

***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**

August 13, 2021

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 June 16, 2021 on APPLICATION OF: Hanover R.S. Limited Partnership, Case # 3443.

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 ON SPECIAL PERMITS

2021 JUL 23 AM 11:16

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

Owner(s):	1317 Washington RE Holdings LLC	Date:	July 23, 2021
Address(es):	190 Old Derby Street Hingham, MA 02043		
Applicant:	Hanover R.S. Limited Partnership	Case No.:	3443, Special Permit,
Address:	One Marine Park Drive, Suite 701 Boston, MA 02210		Article VIIB, 120-25, WZO, Commercial Corridor Overlay District
Representative:	Frank A. Marinelli, Esq. Marinelli Law Office 439 Washington Street Braintree, MA 02184	Site Address:	1325 Washington Street
		Sheet:	35
		Block:	448
		Lots:	7, 8, 9 & 25
Project Name:	Hanover Weymouth Residential Development		
Filing Date:	3/26/2021		
Hearing Date:	5/5/2021 6/16/2021		
Advertised:	4/21/2021 & 4/28/2021		
Zoning District:	Limited Industrial (I-1), Highway Transition (HT) and R-2, Commercial Corridor Overlay District (CCOD)		

The approximate 9.78-acre Site (the "Site") is part of a larger approximate 20-acre parcel; the approximate 20-acre parcel is shown as "Lot A" on a plan entitled "Approval Not Required Plan of Land" ("ANR") prepared by Gabe Crocker, P.E., Crocker Design Group ("CDG"), said plan endorsed by the Town of Weymouth Planning Director on September 30, 2020.¹ The Site is located in three (3) underlying zoning districts, specifically, Highway Transition (HT) zone, Limited Industrial (I-1) and Residence R2, with the majority of the Site zoned Limited Industrial (I-1). The Commercial Corridor Overlay District ("CCOD"), Article VIIB, 120-25, Weymouth Zoning Ordinances ("WZO"), applies to the entire Site. In March 2021, the Applicant filed a Special Permit application (Case No. 3443) with related plans, reports and materials seeking approval from the Weymouth Zoning Board of Appeals (the "ZBA" or "Board") for issuance of a CCOD Special Permit to construct at the Site a total of 270 apartment residences in two (2) four-story buildings, with approximately 8,200 s.f. of amenities (including clubhouse, fitness center, business center and professionally landscaped courtyard with resort-style swimming pool, fireplace and barbecue grills) and approximately 4,200 s.f. of ground floor commercial retail space and leasing office in the building closest to Washington Street. Twenty (20) of the 270 apartment residences will be "affordable" units (see Condition No. 4) and 250 residential

¹ Further ANR endorsement will create the Site lot lines (see Condition No. 1).

apartments will be market rate apartments (collectively the "Development" or "Hanover Weymouth"). The Development is shown on CDG plans, as revised, and filed with the Board, said plans entitled "Site Development Plans" and including sheets C-0 through C-7 and Ex1-2, together with architectural elevations, floor plans and landscape plans filed with the Board. The filed plans are collectively referred to as the "Permit Plans." As used herein, the term "Applicant" shall mean Hanover R.S. Limited Partnership ("Hanover"), its successors and assigns. The Applicant's filings with the Board included, without limitation, (1) the Application dated March 2021 and submissions with the Application; (2) the Permit Plans; (3) a "Transportation Impact Assessment" (the "TIA") dated March 2021, prepared by Jeffrey Dirk, P.E., Vanasse & Associates ("VAI") and a Supplement to the TIA dated May 2021. The TIA concluded (p. 9-10) that the Development will not result in a significant impact (increase) on motorist delays or vehicle queuing over existing or anticipated future conditions without the Development (no-build condition). The Development will include the TIA recommendation of a stop line and stop sign at the intersection of the exiting drive from the Development with Washington Street. Electric vehicle charging stations and secure bicycle parking within the Site will also be provided as part of the Development. Consistent with the purposes of the CCOD, Hanover Weymouth redevelops underutilized property within the CCOD; and (4) a "Fiscal Impact Analysis Hanover Weymouth" prepared by Fougere Planning & Development Inc., Mark J. Fougere, AICP (the "Economic Report"). The Applicant presented that the Development is an approximate \$100 million investment in Weymouth. The Economic Report (p. 14) concludes that the Development will result in positive net annual revenue to the Town of Weymouth in excess of \$550,000.00 and significant one-time permit fees. The Development and its positive economic impact are consistent with purposes of the CCOD to promote economic development, a range of commercial and residential uses, encourage redevelopment of underutilized properties and lots along Route 53 and promote urban design. The Permit Plans show an appropriate layout complying with all dimensional and density and parking requirements. No zoning variance is required for the Development. The CCOD enables flexibility with regard to dimensional requirements. However, the Development complies with required .75 FAR (floor area ratio) and other applicable dimensional and density requirements. The Development provides significantly greater open space than required by the WZO.

On May 5, 2021, the Board opened the public hearing for the CCOD Special Permit application (Case No. 3343). Pursuant to the COVID-19 State of Emergency in Massachusetts declared by Governor Charles Baker and the directive of Mayor Hedlund and the Town of Weymouth's Emergency Declaration and Town-Wide Guidance in Response to COVID-19 of March 13, 2020, the Board met remotely on May 5, 2021 for the health and safety of Board members and the public during the MA State of Emergency. The Board provided on its Agenda for May 5, 2021 and the Town website a WEBEX link to the Board's duly convened May 5, 2021 meeting and public hearing.

On May 5, 2021, the Board heard testimony and received evidence from the Applicant and its representatives. The Applicant's representatives presented an overview of the proposed Development, its need and fulfillment of the CCOD purpose and its compliance with zoning. The Applicant's representatives presented that Hanover Company is a premier national developer of apartment residences, having developed over 50,000 apartment homes nationwide including over 6,000 apartment homes in the greater Boston area, and that the Permit Plans show an appropriate layout of apartment residences, with amenities and commercial space and significant landscaping. The Applicant's representatives noted that a majority of the Site is located in the Limited Industrial (I-1) underlying zoning district. The CCOD overlay allows redevelopment of the Site to a mixed use residential development, which the Applicant's representatives presented as a higher and better use of the Site compared to potential industrial uses similar to the neighboring industrial park. The Applicant's representatives presented that there is a demand from young people to "empty nesters" for housing alternatives to single family homes. The demand for housing is supported, without limitation, by Hanover Company's data and the South Shore Chamber of Commerce ("SSC") 2030 housing report. SSC submitted to the Board a letter of support for

the Development. The Applicant's representatives presented that the Development is an appropriate land use, which transitions among land uses, from single family (Argyle Court) located west of the Site to significant multi-unit residential (Queen Annes Gate Apartments and Linden Ponds) located northeast of the Site. The Applicant's representatives presented the high quality exterior and interior finishes of apartment residences and the significant amenities and landscaping evident at Hanover Company developments. The Applicant's representatives presented the elevations for the two (2) buildings and discussed the materials and landscaping. The Applicant's representatives presented that the Development was thoughtfully designed, esthetically pleasing with generous landscaping and site amenities, with the two (2) buildings oriented such that a narrow façade faces Washington Street with the majority of the apartments set back from the street and behind the front-facing façade of the first building. The Applicant's representatives discussed the layout of pedestrian pathways, sidewalks and ramps through the Development, a new proposed curb cut and proposed sidewalk along the Development's Route 53 frontage. The Applicant's representatives presented that the Development will install new water, sewer, gas, electric and telecom infrastructure and that the Applicant will work with MassDOT concerning matters within MassDOT's Route 53 jurisdiction including improvements to stormwater/drainage infrastructure within Washington Street adjacent to the Development and proposed new sidewalk on both sides of Route 53 as shown on the filed Permit Plans. The Applicant's representatives noted that the Development will fit the character of the area and the CCOD purpose(s) and will have its own privately-maintained trash removal and snow plowing. The Applicant's transportation engineer presented anticipated vehicle trip distribution and conclusions of the TIA. Following presentation by the Applicant's representatives, the Board opened the public hearing to any member of the public. Tricia Piries of 25 Woodbine Road, Weymouth, voiced concern for herring and the herring run. Peter Kiley of Weymouth voiced concern about net revenue to the Town and parking by an existing business. Peter MacDougal of 131 Southern Avenue, Weymouth, voiced concern about water availability. Jennifer Mirabella of 774 Front Street, Weymouth questioned whether public bus transportation would be used from the Development's location. Claire Coughlin of 6 Argyle Court, Weymouth thought it would be good to meet with the neighbors on Argyle Court. The Applicant agreed to an in-person neighborhood meeting. A zoom neighborhood meeting, coordinated by the Planning Department, occurred on April 29, 2021. Steven Comoletti, speaking as an easterly abutting commercial property owner, thought that road improvements would help drainage runoff. Jean Lacy of 25 Harvest Lane, Weymouth, asked if dogs were allowed. The Applicant responded that dogs are allowed at Hanover Weymouth. Bob Delaney of 27 Belmont Street, Weymouth, commented on emergency vehicles and school capacity. The Applicant referred to page 10 of the Economic Report, which tracked Weymouth school enrollment for the past six (6) years, and concluded that overall school enrollment declined in all grade levels over the last 6 years. The public hearing was continued by the Board to June 16, 2021.

On June 16, 2021, the Board's continued public hearing on Case No. 3343 was held in-person at 182 Green Street, Weymouth, MA. At the continued public hearing on June 16, 2021, the Applicant's representatives summarized the Development and progress since the Board's May 5, 2021 public hearing. The proposed Development received a "Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form" dated June 9, 2021 (the "ENF Certificate"), which became part of the Board's record. The ENF Certificate stated that the Applicant's ENF adequately described and analyzed the project and assessed its potential environmental impacts and mitigation measures. The ENF Certificate concluded that an EIR (Environmental Impact Report) is not required. On June 14, 2021, the Applicant's representatives met with the following neighbors on Argyle Court: Mr. and Mrs. Martignetti of 4 Argyle Court, Claire Coughlin of 6 Argyle Court and Madeline Gervasi of 8 Argyle Court (collectively the "Argyle neighbors"). The Applicant discussed distance of Hanover Weymouth from Argyle Court, topography and natural buffer with the Argyle neighbors. The Applicant's representatives presented an exhibit to the Board that showed the topography and natural buffer, the approximate distance of the Development from Argyle neighbor homes and the proposed wall near the Development Site's easterly border with a 7-foot stockade fence to be installed on top of the wall. Land owned by National

Grid also intervenes between the Argyle neighbor backyards and the Site's easterly property line. The Applicant's representatives presented to the Board an additional exhibit, which demonstrated the following: Of all residential developments approved in the CCOD, Hanover Weymouth has the least density per acre and the most affordable units by percentage and number. The Applicant's representatives reviewed with the Board the chronology of the Development team's due diligence and zoom meetings with the Planning Department, Town department heads, neighbors, Mayor Hedlund, Councilor Matthews, the Conservation Agent, the Conservation Commission and MEPA, a time period spanning approximately seven (7) months [November 2020 through June 2021] to date. The Applicant's representatives presented that the Development was pursuing an Order of Conditions from the Conservation Commission and that Development representatives would be discussing proposed stormwater/drainage improvements and proposed new sidewalk and curbing with MassDOT. Finally, the Applicant's representatives reviewed with the Board the Special Permit criteria and evidence supporting each of the following criteria: (1) The Site is an appropriate location for Hanover Weymouth; (2) Hanover Weymouth will not be detrimental to the established or future character of the neighborhood or Town; (3) The Development presents no nuisance of serious hazard to vehicles or pedestrians; (4) Adequate and appropriate facilities will be provided for the proper operation of Hanover Weymouth; and (5) The public interest and welfare will be substantially served by Hanover Weymouth. Following the Applicant's presentation, Eric Schneider, Principal Planner, Town of Weymouth, confirmed that the Applicant had met the comments of reporting department heads and that the proposed Development was appropriate for consideration by the Board for the CCOD Special Permit. The Board inquired as to the purpose of a proposed stub adjacent to the Development's rear easterly parking area and shown on the Permit Plans. The Applicant's representatives responded that the stub was for emergency access and utilities should there be a future development on the Owner's property located adjacent to Hanover Weymouth. Under no circumstances would the stub be used for a primary or secondary ingress/egress to future development, but only for emergency access purposes and utilities. Board members complimented the Applicant's presentations and responsiveness. The Board Chairman asked if anyone had any further comment concerning the proposed Development. There were no further comments or questions. A Motion was made and seconded by Board members to close the public hearing. A vote was taken, and the public hearing was closed by unanimous Board vote, 4-0, of those Board members in attendance. On June 16, 2021, regarding **Case No. 3443**, on a motion duly made and seconded, the Board:

VOTED unanimously, 4-0, TO GRANT THE REQUESTED SPECIAL PERMIT for construction of the Development at the CCOD Site by Board members Richard M. McLeod, Chairman, Kemal A. Denizurt, Brandon Diem and Jonathan Moriarty voting in favor of the Special Permit for the Development, and based upon the following findings of fact and the plans of record, and with the following conditions:

1. An ANR Plan shall be presented to the Director, Planning & Community Development, for review and endorsement of the Site lot lines.
2. The Applicant will pursue with MassDOT such permit(s) and approval(s) necessary for the improvements shown on the Permit Plans that are within the jurisdiction of MassDOT.
3. The Applicant will pursue with Weymouth Conservation Commission an Order of Conditions for the Development
4. The Applicant will work with the Town concerning the completion and filing of such application(s) as necessary for the twenty (20) residential units (designated by the Applicant) to

be accepted by MA DHCD as Local Action Units eligible for inclusion on the State's Subsidized Housing Inventory .

SPECIAL PERMIT (COMMERCIAL CORRIDOR OVERLAY DISTRICT) FINDINGS (CASE NO. 3443):

Pursuant to 120-25 and 120-122(D)(1)-(5), WZO, and such other applicable provisions of the WZO, the Board found that:

(1) The Site is an appropriate location for such Use.

Based upon the evidence and case submissions, testimony, plans, reports and materials, the Site is an appropriate location for the Hanover Weymouth Development. The Site is located in the Commercial Corridor Overlay District ("CCOD"), Route 53, a corridor that has a mix of residential, commercial, industrial and multi-unit residential. The Applicant is one of the nation's premier developer of apartment homes and has developed over 50,000 apartment residences nationwide with over 6,000 of those apartment residences located in the greater Boston area. Hanover Weymouth is an appropriate land use that is allowable by Special Permit in the CCOD. A majority of the Site is zoned Limited Industrial (I-1) and Hanover Weymouth is a higher and better use than industrial-type development. Purpose(s) of the CCOD include promoting economic development, use of basic urban design, redevelopment of underutilized property and providing a range of compatible residential and commercial uses, all of which Hanover Weymouth fulfills. Per the Economic Report, the Development is estimated to produce over \$550,000 annually to the Town in net real estate tax revenue. The Development will also generate significant one-time building permit fees and one-time water/sewer fees. Housing alternatives to single family homes are necessary. Hanover Weymouth is 270 apartment residences, with approximately 4,200 s.f. of ground floor commercial space and approximately 8,200 s.f. of amenities. Hanover Weymouth helps fulfill the need for quality apartments for tenants of various generations. As compared to other CCOD developments, Hanover Weymouth provides the least density of multi-unit residential per acre while providing the greatest number of affordable units. CCOD purposes include providing flexibility with regard to dimensional requirements. Per the filed Permit Plans, Hanover Weymouth complies with all dimensional, density and parking requirements of the WZO. Hanover Weymouth does not require any zoning variance to be constructed at the Site. Hanover Weymouth fulfills the purpose of incorporating "residential" together with ground floor commercial space in the building closest to Route 53. The design and layout of Hanover Weymouth is esthetic and appropriate, with significant landscaping shown on the Permit Plans. The Transportation Impact Assessment ("TIA") concluded that the Development will not result in a significant impact (increase) on motorist delays or vehicle queuing over existing or anticipated future conditions without the Development (no-build condition). The Development proposes stormwater improvements at the Route 53 frontage, new sidewalks and implementation of an optimal traffic signal timing and phasing plan at Route 53/Pleasant Street and Route 53/Mutton Lane intersections, which the Applicant will discuss with MassDOT. An ENF Certificate was issued for the Development on June 9, 2021.

(2) The Use involved will not be detrimental to the established or future character of the neighborhood or Town.

Paragraph 1 above is incorporated herein by reference. Hanover Weymouth is consistent with the purposes of CCOD. The proposed Development in the CCOD will not be detrimental to the character of the neighborhood or Town for the reasons set forth in nos. 1-5.

(3) There will be no nuisance or serious hazard to vehicles or pedestrians.

Paragraphs 1 and 2 above are incorporated herein by reference. The TIA concluded that the Development will not result in a significant impact (increase) on motorist delays or vehicle queuing over existing or anticipated future conditions without the Development (no-build condition). The Development proposes stormwater improvements at the Route 53 frontage, new sidewalk and implementation of an optimal traffic signal timing and phasing plan at Route 53/Pleasant Street and Route 53/Mutton Lane intersections, which the Applicant will discuss with MassDOT. An ENF Certificate was issued for the Development on June 9, 2021. The Development does not cause any nuisance or serious hazard for the reasons set forth in nos. 1-5.

(4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Paragraphs 1-3 above are incorporated herein by reference. The Applicant has developed over 50,000 apartment residences nationwide with over 6,000 developed by the Applicant in the greater Boston area. As one of the nation's premier developers of apartment homes, the Applicant will provide adequate and appropriate facilities – 270 apartment residences with approximately 8,200 s.f. of amenities (including clubhouse, fitness center, business center and landscaped courtyard with resort-style swimming pool, fireplace and barbecue grills) and approximately 4,200 s.f. of ground floor commercial retail space for the proper operation of Hanover Weymouth. For the reasons set forth in nos. 1-5, adequate and appropriate facilities will be provided for proper operation of Hanover Weymouth.

(5) The public convenience and welfare will be substantially served.

Paragraphs 1-4 are incorporated herein by reference. The public convenience and welfare will be substantially served by Hanover Weymouth. Hanover Weymouth provides 270 quality apartments toward needed housing for various generations and an alternative to single family homes. As set forth in condition no. 4, the Applicant will work with the Town concerning the completion and filing of such application(s) as necessary for twenty (20) residential units (designated by the Applicant) to be accepted by MA DHCD as Local Action Units. For the reasons set forth in nos. 1 through 5, the public convenience and welfare are substantially served by Hanover Weymouth.

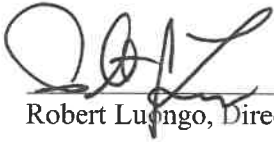
Based upon the evidence and case submissions, testimony, plans, reports and materials, the Development meets all of the criteria set forth in 120-25.16, WZO. The Site is adequate for the Development. The Development complies with all dimensional, density and parking requirements of the WZO. The Development does not require any zoning variance. The design of the two (2) four-story buildings is appropriate and suitable for the Site, with the narrow façade of the front building bordering Route 53 and the larger building located to the rear of the front building. Between the Development and the single family residences at Argyle Court there is significant distance and intervening land owned by a utility company. There are also large trees, topographical grade differences and a wall with a 7-foot stockade fence proposed proximate to the easterly boundary of the Site. The Town enacted the CCCOD to promote economic development and the other purposes set forth in 120-25, WZO; Hanover Weymouth is an approximate \$100 Million investment in Weymouth that fulfills the purposes of the CCOD including redevelopment of underutilized land in the CCOD while providing a higher and better use to the Industrial-zoned land and the least amount of density (residential units per acre) as compared to other approved CCOD developments. Hanover Weymouth with substantial amenities promotes sustainable buildings, site design and internal walkability. Hanover Weymouth implements green initiatives in the areas of Site sustainability, energy conservation, water conservation, construction and indoor environment. Hanover Weymouth's ingress/egress, site drives, parking areas and lighting are appropriately designed and located. The TIA concluded that the Development will not result in a significant impact (increase) on motorist delays or vehicle queuing over existing or anticipated future conditions without the Development (no-build condition). The Development proposes stormwater

improvements at the Route 53 frontage, new sidewalks and implementation of an optimal traffic signal timing and phasing plan at Route 53/Pleasant Street and Route 53/Mutton Lane intersections, which the Applicant will discuss with MassDOT. An ENF Certificate, which is part of the Board's record, was issued for the Development on June 9, 2021.

Under MGL Chapter 40A, Section 11, the approval of the Zoning Board of Appeals will not take effect until the petitioner records, at his or her expense, a copy of this Decision with the Norfolk County 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, and (3) the Record of Proceedings. The petitioner shall record these documents with the Norfolk County 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 July 23, 2021.

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 Town Clerk within twenty (20) days after the filing of the decision with the Town Clerk.

A handwritten signature in black ink, appearing to read 'Robert Lungo', is written over a horizontal line.

Robert Lungo, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

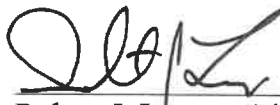
BOARD OF APPEALS

July 23, 2021

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 Hanover R.S. Limited Partnership, One Marine Park Drive, Suite 701, Boston, MA 02210, affecting the rights of the owner with respect to land or buildings at 1325 Washington Street also shown on the Weymouth Town Atlas Sheet 35, Block 448, Lots 7, 8, 9 & 25, 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 # 3443

Date of Hearing: 6/16/2021