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TOWN OF WEYMOUTH  
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TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION

2016 JUN 21 AM 11: 27

TO BE COMPLETED BY STAFF

Case Number: #3298

Town Clerk Stamp

Submittal Accepted: ES Date 6/21

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: 278 Washington Street

Assessor's Map Sheet, Block, & Lot: 20-282-6

Zoning District: Business B-1 Overlay District: N/A

OWNER OF RECORD (S) (print & sign): Walter McKinnon, Trustee  
(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: 278 Washington Street, Weymouth, MA

Norfolk County Registry of Deeds Book and Page No. 5587/517

Or registered in Land Registration Office under Certificate No. \_\_\_\_\_

NAME OF APPLICANT (S) (print & sign): Michael Schilling

Applicant's Address: 85 Bryant Street, Marshfield, MA 02050

Contact Information: Email mschill1@yahoo.com Phone 781-706-6209

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Gregory F. Galvin, Esq., 775 Pleasant St., #16, Weymouth, MA

Contact Information: Email ggalvin@gregorygalvin.com Phone 781-340-5335

NAME OF ENGINEER AND / OR ARCHITECT: Walter A. McKinnon Associates

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.

Gregory F. Galvin, Esq. 6/20/2016  
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):

Article XIII S. 120-39 & 120-40 Cont. Non-conforming use. S.120-62.1 Landscaping

*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):

Currently the building is used as an Engineer's Office on the first floor and apartments on the second floor. Currently the building is approximately 2238 sq. ft., each floor.

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

The applicant seeks to expend both the existing office space and the apartments. The modified building will have about 2372 sq. feet, each floor.

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).

Article XIII, Non-conforming uses. The office space is permitted and the apartments on the second floor are non-conforming under Sec. 120-40 and Article XXV, Sec. 120-122.

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).

No

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

The applicant has sufficient off-street parking for all uses.

## 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		Non-conforming	Non-confirming
Lot Area / Size (Sq. Ft.)	10,000sq. ft.	11,640sq. ft.	11,640sq. ft.
Dwelling Units	0	2	4
Frontage (ft.)	100'	55'	55'
Lot Width (ft.)	100'	55'	55'
Front Yard Setback (ft.)	30'	18'	18'
Front Yard Setback (ft.) – corner lots	N/A	N/A	N/A
Side Yard Setback (ft.)	10'	6'	6'
Side Yard Setback (ft.)	10'	18.6'	18.6
Rear Yard Setback (ft.)	10'	132'	132'
Height (ft.) & # of Stories	80' 6story	? ' 2story	35' 3story
Lot Coverage	50%	16%	16%
Off-Street Parking Spaces	16 spaces	16 spaces	16 spaces
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	50%	>50%	>50%
Floor Area Ratio	N/A	N/A	N/A
Signage	N/A	N/A	N/A
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.

The current building has appearance of single family, and the modified building will continue similar look. All parking will be at rear with ability to enter and exit with two way driving. Front set-back will provide adequate viewing of all traffic.

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

The applicant is seeking to continue the existing non-conforming uses but, will look to expand the area by making a portion of the building wider and taller.

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

All parking is to the rear and the vehicles are able to enter and exit in a forward driving motion with adequate visibility of pedestrians and vehicles.

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 is upgrading the landscaping in the front of the building and installing appropriate drainage in the parking area to account for all surface water.

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

The applicant is renovating and updating the building and providing appropriate on site drainage system.

## 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 building has 2 apartments on the second floor. The building is situated within front yard set back limits and will continue as such.

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

Since before 1969

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.

Yes

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

The applicant will not increase the non-conformity and will continue to provide two-way vehicular traffic on and off site with upgraded drainage

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

16

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:

The applicant will not extend the non-conformity in any fashion however, proposed to update the structure both inside and outside. Also updated landscaping.

## 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.

N/A

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.

N/A

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.

N/A

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.

N/A

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.



# WASHINGTON STREET (STATE HIGHWAY—RTE 53)

N/F GEORGE DOWD JR  
20/282/6

(SEE NOTE 1)  
OLD CURB

N 00°03'24" W  
574.87'

8"SEWER

8"CI WATER

1"CU

REBAR  
SET

PROPOSED 2" FIRE PROTECTION  
1.5" CU WATER SERVICE

PROPOSED BUILDING  
FFE=116.0

6"PVC SEWER

DRIVEWAY

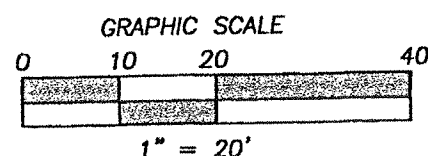
NAIL  
SET

DRIVEWAY

GARAGE

#284

N/F GEORGE T & ANITA C DOWD  
20/282/7



PARCEL ID:20/282/6  
ZONING DISTRICT: B-1

TABLE OF MINIMUM SETBACKS:	
REQUIRED	PROPOSED
AREA—10,000	AREA—11,640
WIDTH—100'	WIDTH—55'
FRONT—30'	FRONT—18'
REAR—10'	REAR—132'
SIDE—10'	SIDE—6'
HEIGHT—35'	HEIGHT—35'
COVERAGE—50%	COVERAGE—16%
PARKING—16 SP	PARKING—16 SP

## NOTES:

1. SEE DPW FB 98, PG 99.
2. STATE HIGHWAY LAYOUT #834.
3. DEED BK 5587, PAGE 517
4. OWNER: MCKINNON REALTY TRUST
5. 1" WATER SERVICE TO BE CAPPED AT 8" MAIN.
6. MASSDOT PERMIT REQUIRED FOR WORK IN WASHINGTON STREET.
7. REMOVE AND REPLACE EXISTING PARKING LOT WITH 12" OF STRUCTURAL FILL.
8. PROPOSED ASPHALT TO BE 1.5" BASE & 1.5" TOP COURSE.

LAYOUT #834

N/F ROBERT & SUE VANASSE

TOP OF WALL ELEV=113

DRILL HOLE SET

DUMPSTER  
AREA

INV=109.5

PROPOSED  
SUBSURFACE  
DRAINAGE AREA

PROP. CB  
R=111.9  
I=109.8

PROPOSED 8"HDPE

EXISTING ASPHALT TO BE REMOVED AND REPLACED

4 PARKING SPACES

PROPOSED WALL  
TOP ELEV=113.5

FENCE POST  
CORNER

N/F BIJAN MEHR

113 PROPOSED CONTOUR  
110 EXISTING CONTOUR  
113.6 PROPOSED SPOT GRADE

## PROPOSED SITE PLAN 278 WASHINGTON STREET WEYMOUTH, MA

SCALE: 1" = 20'  
DATE: APRIL 12, 2016

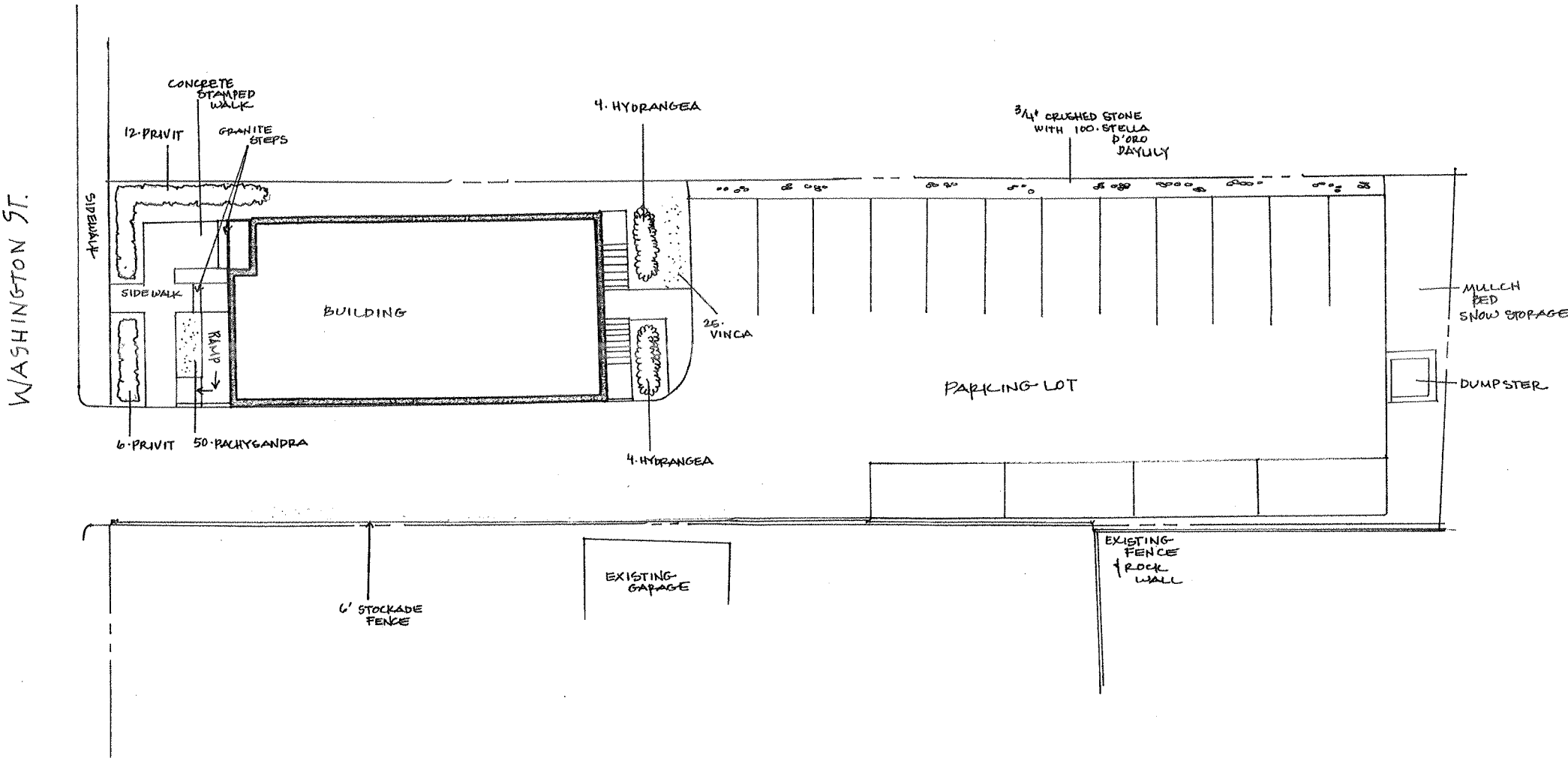
*[Signature]*  
4/14/16

Plant Schedule

Qty.	Latin Name	Common Name	Size	Features
100	Hemerocallis Stella D'Oro	Stella D'Oro Daylily	1 Gal.	12" H, yellowish orange flowers, 60-90 days, summer
8	Hydrangea Macrophylla Endless Summer	Endless Summer Hydrangea	3 Gal.	Color all summer, blooms on old wood and new wood, hardy
18	Ligustrum oval folium	California Privet	4-5'	Upright hardy hedge, deciduous, can be easily trimmed
50	Pachysandra terminalis	Pachysandra	1 Tray	Evergreen groundcover, hardy, stays at 4", shade tolerant
25	Vinca minor	Common Periwinkle	3" pots	Evergreen groundcover, purple flowers, hardy, shade tolerant

NOTES & GOALS:

- To create a landscape that is hardy and easy maintenance.
- To create a landscape that provides a nice, clean look while driving by. The Privet hedge is very hardy and neat. It can withstand shoveling, sanding, and salt spray. The Privet hedge can be trimmed to any height.
- The pachysandra between the sidewalk and the ramp provide a low growing evergreen groundcover. It will maintain itself with a simple cleanout once per year. It can tolerate the dense shade.
- The rear of the property has areas for snow storage and the crushed stone along the parking lot edge provides a neat, clean border that also helps with drainage.
- The Hydrangea hedges in the back of the building will provide an abundance of blooms from June until Frost and can withstand shoveling and sanding in the winter. The evergreen Vinca groundcover is hardy and can tolerate shade as well.



Landscape Plan for  
278 Washington St.  
Weymouth, MA

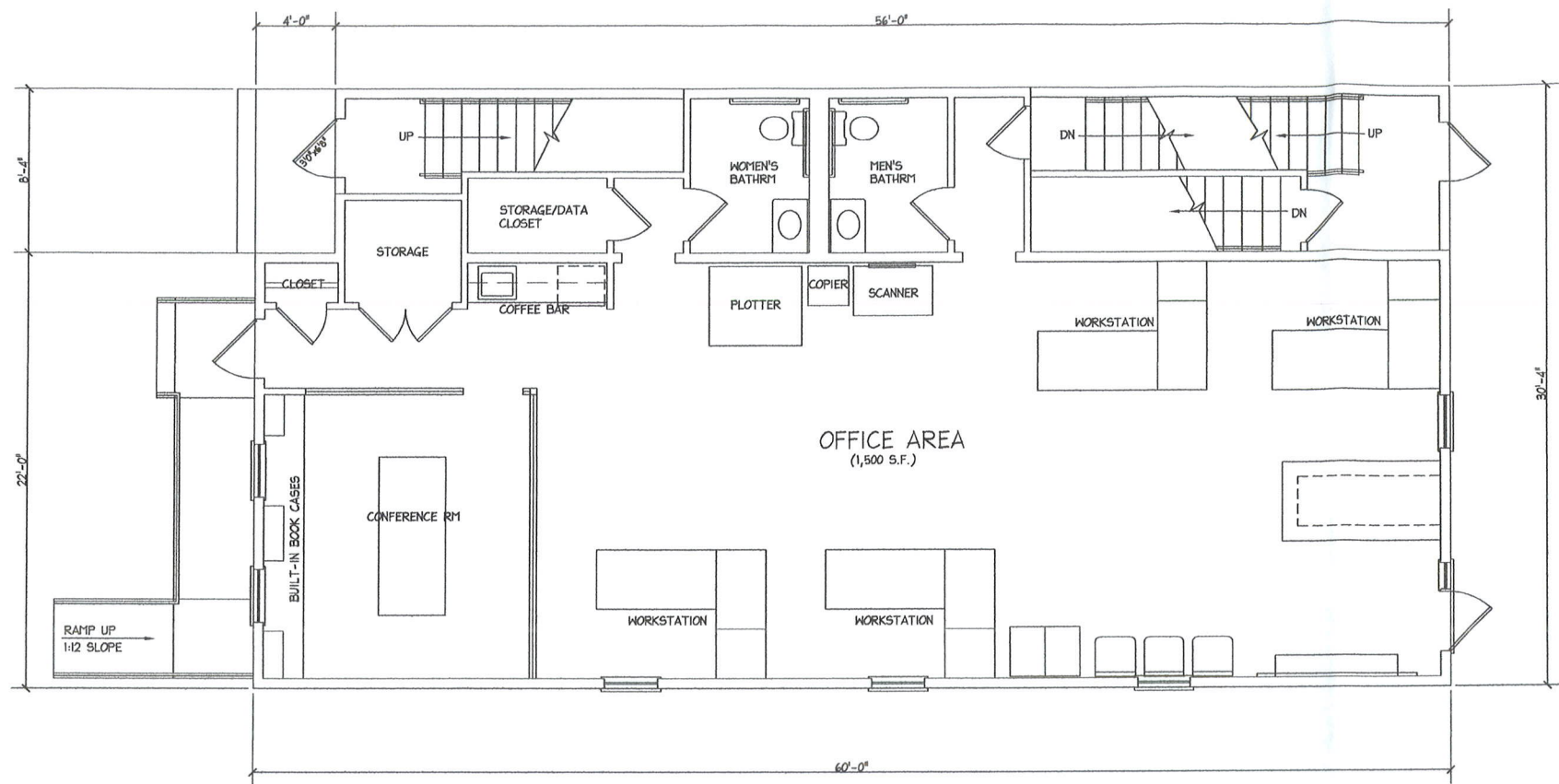
February 2016  
Scale 1"= 10' 0"

Proposed Landscape Plan

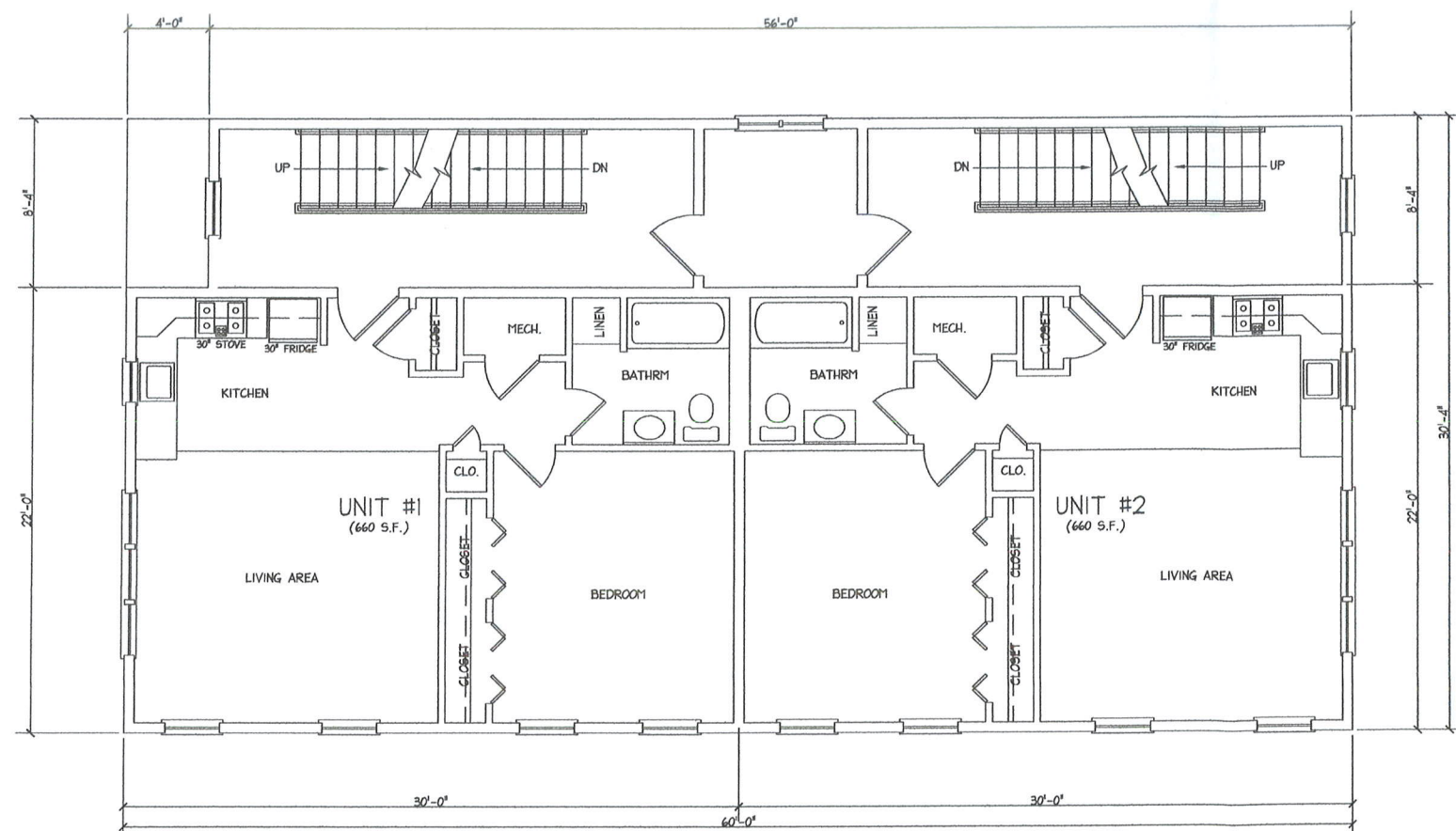
Designed and Drawn by:  
Carin Gosselin, CMG Design  
cmgdesign@verizon.net 781-249-2211







1ST FLOOR PLAN  
SCALE: 1/4"=1'-0"



2ND FLOOR PLAN  
SCALE: 1/4"=1'-0"



FRONT ELEVATION  
SCALE: 1/4"=1'-0"

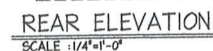


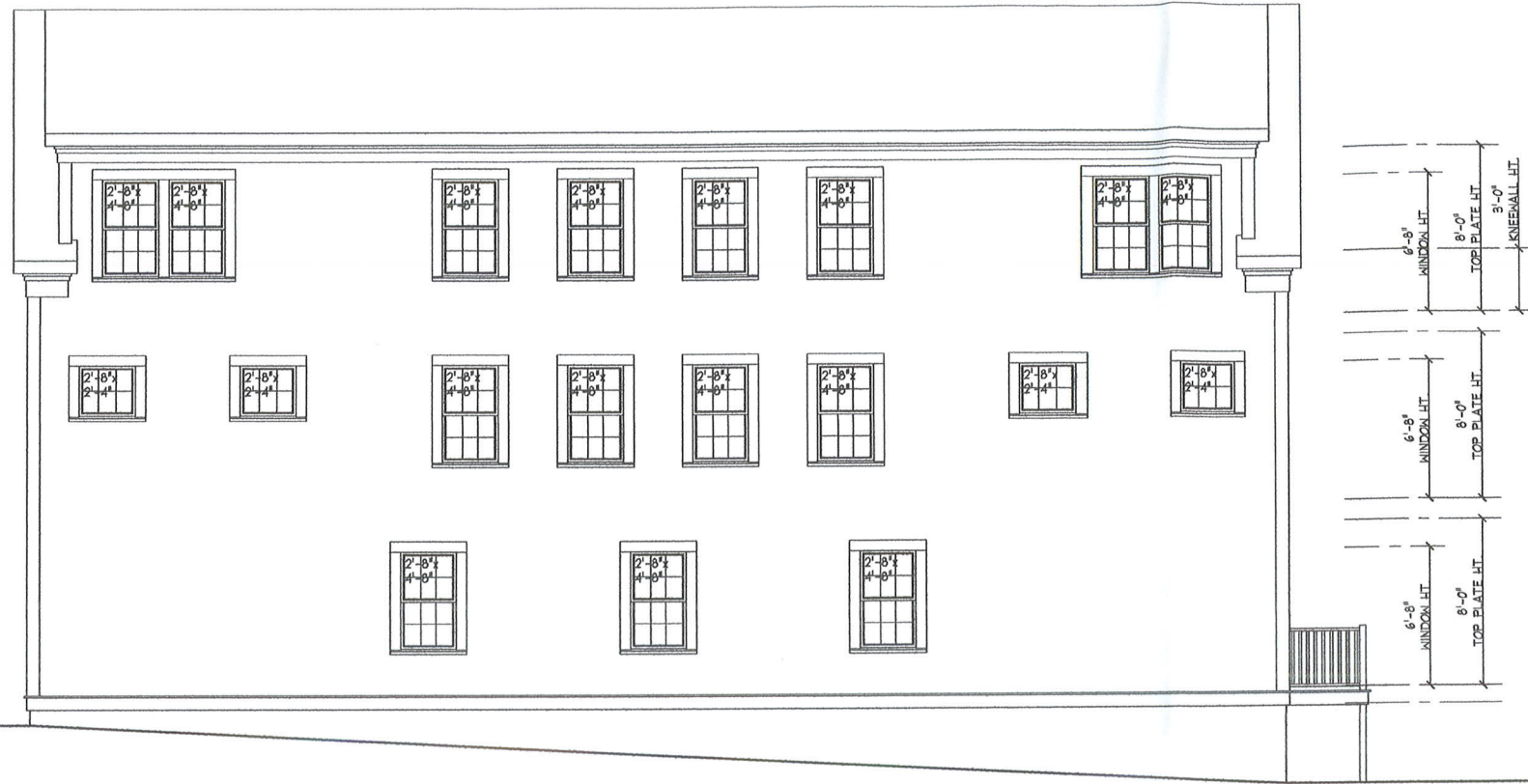
PROPOSED FIRST FLOOR PLAN  
FRONT & RIGHT SIDE ELEVATIONS  
NEW BUILDING RENOVATIONS  
278 WASHINGTON ST.  
WEYMOUTH, MA

CREATED BY:		PKS
CHECKED BY:		
DATE:		04/14/2016
JOB NO.:		2016-026
REMARKS:		AS NOTED
REV#	DESCRIPTION	DATE
		</

SHEET NO.







RIGHT SIDE ELEVATION  
SCALE: 1/4"=1'-0"



LEFT SIDE ELEVATION  
SCALE: 1/4"=1'-0"

PROPOSED  
LEFT & RIGHT SIDE ELEVATIONS  
NEW BUILDING RENOVATIONS  
278 WASHINGTON ST.  
WEYMOUTH, MA

**WAM**  
Walter A. McKinnon Associates, Inc.  
Consulting Engineers  
278 Washington Street  
Weymouth, Massachusetts  
Phone: (781) 331-5898 • Email: mckinnong@gmail.com

DESIGNED BY:		TKS
CHECKED BY:		
DATE:	04/14/2016	
JOB NO.:	2016-026	
SCALE:	AS NOTED	
REV#	DESCRIPTION	DATE