

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
278 WASHINGTON STREET**

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

Owner: Walter McKinnon, Trustee
Address: 278 Washington Street
Weymouth, MA 02188

Date: 9/19/2016

Applicant: Michael Schilling
Address: 85 Bryant Street
Marshfield, MA 02050

Case #: 3298

Representative: Gregory F. Galvin, Esq.
775 Pleasant Street #16
Weymouth, MA 02189

Site Address: 278 Washington St
Sheet: 20
Block: 282
Lot: 6

Zoning District: B-1

Board of Zoning Appeals application filed on June 21, 2016

After a public hearing on August 24, 2016, advertised in the Weymouth News on August 10, and August 17, 2016, the Board of Zoning Appeals at its meeting of August 24, 2016

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance 120-39, and 120-40; Continuation of non-conforming use and 120-62.1; Landscaping, to allow the petitioner to construct a 2-story addition expanding the first floor office space by ~134 SF and the second floor residential space by ~134 SF; landscaping in the front of the building will also be upgraded all per "Proposed Site Plan 278 Washington Street Weymouth, MA", dated April 12, 2016, signed and stamped by Joseph E. Hannon, RPS, April 14, 2016; "Landscape Plan for 278 Washington Street" by CMG Design, dated February, 2016; and "New Building Renovations", sheets 1-3, by Walter A. McKinnon Associates, Inc., revised August 20, 2016.

FINDINGS:

Special Permit Criteria for Approval. The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

1. The specific site is an appropriate location for such a use.
The applicant currently has residential on the top floor and the office space is staying the same.

2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
They are going to clean up the property and put in a catch basin with the oil separator hood which will improve the environmental issues.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
There will be clear site lines for the resident and office workers to pull in and out of the parking lot.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
They will meet all DPW Engineering Department's requests.
5. That the public convenience and welfare will be substantially served with the proposal.
It will improve the appearance of the property and provide two new housing units which is needed.

CONDITIONS:

1. Will meet all DPW's Engineering's requests
2. Plan dated 8-20-16 will be used.
3. Landscape Plan will be submitted to planning staff for review and approval.
4. A copy of the detailed catch basins will be provided.

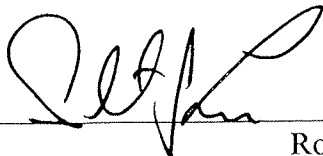
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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. (3) record of proceedings. 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 19, 2016

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, Planning Director

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, August 24, 2016

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Ed Foley
Brad Vinton

Also Present: Bob Luongo, Planning Director
Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

1. Case #3298 – The petitioner, Michael Schilling, for property located at **278 Washington Street**, also shown on the Weymouth Town Atlas sheet 20, block 282, lot 6, located in an B-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit:	120-39 and 120-40	Continuation and extension of non-
conforming use		
	120-62.1	Front yard landscaping

Presently located on the 11,640 SF lot is an existing two-story building consisting of ~2238 SF of first floor commercial space and ~2238 SF of second floor residential space consisting of 2 rental units. The petitioner is proposing to construct a 2-story addition to expand the first floor by ~134 SF to convert the commercial space into 2 residential units and expand the second floor residential space by ~134 SF; and to upgrade the landscaping in the front of the building.

Sitting Members: Richard McLeod
Kemal Denizkurt
Ed Foley
Jonathan Moriarty
Brad Vinton

Ed Foley made a motion to open the public hearing on Case #3298 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3298 and was seconded by Jonathan Moriarty.

BZA Decision – 278 Washington Street
(Case 3298)

VOTED UNANIMOUSLY

Appearing before the board was the applicant Michael Schilling, Walter MacKinnon and Attorney Gregory Galvin, 775 Pleasant Street, Weymouth.

Attorney Galvin stated that there are offices on the first level and apartments on the second level. There are minor changes to the site plan however they took the engineering department comments and addressed them. There are 16 parking spaces in the back and the driveway is wide enough to enter and exit at the same time. This is a B1 Zone and it is existing nonconforming.

Kemal Denizkurt asked if the addition will be changing any of the set-backs? It was stated they are bringing the building in a little bit in the back to square it off. The set back will be deeper than what is existing.

Ed Foley asked if there is a drawing for the catch basin detail. Eric Schneider said that is still to come, he spoke with DPW and they are satisfied with the proposal in general, there are just a few punch list items. Ed asked for a copy when submitted.

Eric Schneider said they met several times with the applicant prior to their application and worked out several concerns already. The Planning staff is in support of this project.

Ed Foley made a motion to close the public hearing on Case # 3298 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

Ed Foley made a motion to approve the application for a special Permit on Case #3298 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Special Permit Criteria for Approval. The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

6. The specific site is an appropriate location for such a use.
The applicant currently has residential on the top floor and the office space is staying the same.
7. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
They are going to clean up the property and put in a catch basin with the oil separator hood which will improve the environmental issues.
8. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
There will be clear site for the resident and office workers to pull in and out of the parking lot.
9. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.

They will meet all DPW Engineering Department's requests.

10. That the public convenience and welfare will be substantially served with the proposal.

It will improve the appearance of the property and provide two new housing units which is needed.

Conditions:

5. Will meet all DPW's Engineerings requests
6. Plan dated 8-20-16 will be used.
7. A copy of the detailed catch basins will be provided.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

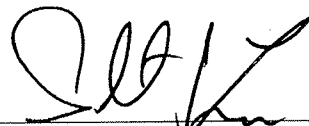
BOARD OF APPEALS

September 19, 2016

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 Michael Schilling, 85 Bryant Street, Marshfield, MA 02050, affecting the rights of the owner with respect to land or buildings at 278 Washington Street, also shown on the Weymouth Town Atlas Sheet 20, Block 282, Lot 6, 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 # 3298

Date of Hearing: 8/24/2016