

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION**

RECEIVED

2014 MAR 27 AM 10:50

**TO BE COMPLETED BY STAFF**

Case Number: 3524

Submittal Accepted: [Signature]

Signature of Planning Dept. Staff for minimal requirements

Date 3/27/14

Determined to be complete and may now be filed with Town Clerk: [Signature]

Signature of Principal Planner or Director

Town Clerk Stamp

TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE

**PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT**

**PROJECT / PROPERTY STREET ADDRESS:** 89-97 Washington Street

Assessor's Map Sheet, Block, & Lot: 20-277-7-0

Zoning District: B-2 Overlay District: Village Center

**OWNER OF RECORD (S)** (print & sign): Washington Landing LLC

(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: 350 W 2nd Street, Unit 6, Boston, MA 02127

Norfolk County Registry of Deeds Book and Page No. \_\_\_\_\_

Or registered in Land Registration Office under Certificate No. Certificate 195597

**NAME OF APPLICANT (S)** (print & sign): Washington Landing LLC

Applicant's Address: 350 W 2nd Street, Unit 6, Boston, MA 02127

Contact Information: Email rdcorp@yahoo.com Phone 617 832-5772

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

**NAME & AFFILIATION OF REPRESENTATIVE:**

Address: Edward Fleming, 85 Clay Street, Quincy, MA 02170 - Attorney

Contact Information: Email efleming@flemingpc.com Phone 617-472-5100

**NAME OF ENGINEER AND / OR ARCHITECT:** Hardy+Man Design/ Brian Saluti

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.

[Signature] 3/26/24  
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):

Section 120-25.3 (Special Permit) in accordance with Section 120-25.13

Section 120-25.5 (Intensity of Use - Height, Setbacks, Transparency) - Special Permit for Height and Variances for Setbacks and Transparency

Section 120-25.10 (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):

The property at 89-97 Washington Street consists of a one story commercial-retail strip mall with parking.

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

The applicant seeks to construct a new mixed-use building at the property, consisting of two, 1000 sq. ft. retail spaces, Twenty (20) residential units, and garage parking for Thirty-Eight (38) parking spaces. The proposal will include professionally designed drainage control measures, a dog area, and professionally designed landscaping. It will also include a pedestrian walkway along the building to the park in the rear of the site.

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).

The mixed use proposal is permitted as a matter of right new Village Center zoning and the proposed new multifamily use is permitted by Special Permit under Section 120-25.3.

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).

Unknown

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

The site is located in close proximity to the Landing retail area and public transportation.

**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	Mixed use	Commercial	Mixed use
Lot Area / Size (Sq. Ft.)	None	27,007	27,007
Dwelling Units	None	0	20
Frontage (ft.)	None	107.89	107.89
Lot Width (ft.)	None	107.89 <sup>112</sup>	107.89 <sup>112</sup>
Front Yard Setback (ft.)	See calculations	0	3.5
Front Yard Setback (ft.) – corner lots	N/A	N/A	N/A
Side Yard Setback (ft.)	See calculations	0	9.2
Side Yard Setback (ft.)	See calculations	0	
Rear Yard Setback (ft.)	See calculations	0.5	10.8
Height (ft.) & # of Stories	6 stories - 80 ft.	1 story	3 stories <sup>height?</sup>
Lot Coverage	None <sup>Max 50%</sup>	.90	N/A
Off-Street Parking Spaces	38	N/A	38
Off-Street Loading Spaces	N/A	N/A	N/A
Parking Setback	5	5+	Garage
Accessory Structure Setback	N/A	N/A	N/A
Landscaping			See Plans
Floor Area Ratio	None	90%	
Signage	Building	Building	Building/Address
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.

Yes, the Site is located within the Village Overlay district which encourages mixed-use buildings.

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

No, the proposed mixed-use building will compliment other similar buildings within the Village overlay district and provide adequate parking and outside green area for the proposed uses as well as public access to the park.

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

No, the proposal will provide for adequate parking and safe egress to and from the site setback from the public way. The proposal will not cause any hazards to vehicles or pedestrians.

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

Yes, adequate parking will be provided for the proposed uses as well as appropriate open space for the residents and their pets.

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

Yes, the mixed use will provide much need transit oriented housing as well as local retail for the community. The proposal will also provide improved public access to the park in the rear of the site.

**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.

The odd shape of the parcel with difficult topography in the rear of the site creates a hardship that make full compliance with the setback requirements extremely difficult and burdensome.

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.

The odd shape of the parcel make full compliance with the dimensional and landscaping requirements extremely difficult and burdensome.

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.

The proposal complies with the intent of the new Village overlay district and Master Plan by providing much needed housing within close proximity to the Landing and Public transportation.

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.

The relief requested is very reasonable and in compliance with the intent of the Village Overlay district and will not cause detrimental impact to the surrounding commercial neighborhood. The proposal provides sufficient parking as well as significant improvement to public access to the park in the rear of the site.

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 LANDING LLC  
APPLICANT

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#### MEMORANDUM IN SUPPORT OF APPLICATION

The applicant, Washington Landing LLC, seeks to construct a new mixed-use building at 89-97 Washington Street, consisting of two-1000 sq. ft. retail spaces, Twenty (20) residential units, and garage parking for Thirty-Eight (38) parking spaces. The proposal will include professionally designed drainage control measures, a dog area, and professionally designed landscaping. It will also include a pedestrian walkway along the building to the park located at the rear of the site.

The Subject parcel is located within the new Village Center overlay district, which encourages mixed-use building and the creation of new housing within close proximity to the Landing and public transportation.

The site is a very unusually shaped parcel with difficult topography in the back of the site which makes full compliance with the ordinance extremely difficult and burdensome. These conditions present hardships to the applicant that permit the approval of Variances from the ordinance.

The Proposal otherwise fully satisfies the standards and criteria of a Special Permit outlines in 120-25.13 as well as the purpose and intent of the Village overlay district.

WHEREFORE, the Applicant respectfully requests that the Board grant the relief requested.

Respectfully submitted,  
WASHINGTON LANDING LLC  
By its Attorney



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