

***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**

November 5, 2020

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 September 9, 2020 on APPLICATION OF: Wharf Associates c/o The Heritage Companies, Case # 3416.

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
44 WHARF STREET**



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

2020 OCT 16 PM 12:25

Owner:	Francer Manufacturing & Supply Co.	Date:	October 16, 2020
Address:	44 Wharf St. Weymouth, MA 02189		
Applicant:	Wharf Associates LLC c/o The Heritage Companies	Case #:	3416
Address:	70 Quincy Avenue Quincy, MA 02169		
Representative:	Edward Fleming 85 Clay Street Quincy MA 02169	Site Address:	44 WHARF STREET
		Sheet:	19
		Block:	172
		Lot:	25
Filing Date:	07/23/2020		
Hearing Date:	09/09/2020 09/30/2020		
Advertised:	08/05/2020 & 08/12/2020		

Zoning District: R-1 & Historic Mill Overlay District (HMOD)

At a public hearing on 09/09/2020 the Board of Zoning Appeals;

VOTED 5-0 TO GRANT SPECIAL PERMITS under *Weymouth Zoning Ordinance Sections 120-25.29 (HMOD) and 120-38.3(Flood Plain Special Permit)* to allow for the historic preservation and adaptive reuse of the exiting historic mill building for residential use. In addition, one new building will be constructed on the lot as per the HMOD regulations. In total, the project is to consist of 84 dwelling units and 146 parking spaces as shown on the plan set entitled The Overlook Multi-Family Redevelopment and dated July 21, 2020.

Special Permit Findings:

The Board found that the proposal met the overall intent and dimensional requirements of the Historic Mill Overlay District (HMOD). The proposal achieved the historic preservation of the existing mill building while presenting a plan for its adaptive reuse as residential which met the specific criteria of the HMOD.

Further, the Board found that the proposal met the requirements for a Special Permit under Section 120-122 (D) as follows:

1. The specific site is an appropriate location for such a use. *The subject property is embedded in a primarily residential neighborhood and was the site of an industrial operation for over a century. The adaptive reuse for residential purposes more closely aligns with the evolving residential character of the neighborhood. The site is within walking distance to an MBTA Commuter Rail station as well as the public amenity of Osprey Overlook Park.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The Board found that the conversion of the industrial building for residential use represented a change less detrimental than the continued use of the property for future industrial uses.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The project provides adequate off-street parking and includes substantial improvements to the entirety of Wharf Street.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The project has been fully reviewed by the Weymouth Engineering and DPW Divisions and by the Weymouth Conservation Commission under a Notice of Intent filing.*
5. That the public convenience and welfare will be substantially served with the proposal. *The conversion of the property to a residential use is more in keeping with the residential nature of the area and will provide needed housing in close proximity to public transportation.*

CONDITIONS:

1. Concrete sidewalks and granite curbing to be installed along the Wharf Street frontage.
2. Pedestrian scale street lighting to be installed along the Wharf Street frontage. Final placement and number of lights to be determined by photometric study with Department of Planning and Community Development approval. Decorative fencing along the entire Wharf Street frontage will supplement the streetscape and ensure public safety.
3. Applicant, in consultation with the Town, will enhance the existing rough pedestrian pathway along Town of Weymouth lots 19-172-13 and 19-193-32 to the concrete bridge. This pathway represents a link in the larger Back River trail system. Enhancements to include removal of brush along the path and ravine and the installation of stone dust gravel or other appropriate impervious material as agreed to by Planning Department.
4. Similar to other properties managed by Heritage Companies, a “doggy DNA” program will be established to ensure the proper disposal of pet waste.
5. The Applicant agrees to fund the installation of a crosswalk at the northern end of the Project property across Wharf Street, to the existing sidewalk on the east side of Wharf Street, with ADA compliant ramps, to provide access between the development and Osprey Overlook Park.
6. The Applicant agrees to coordinate and/or fund pedestrian improvements at the Wharf Street railroad crossing in coordination with MBTA:
 - a. Sidewalk improvements, including tactile pads, within the MBTA Right-of-Way, in line with the sidewalk on the east side of Wharf Street.
 - b. Crosswalk across Wharf Street at the southern end of the development property, just north of the MBTA right-of-way with ADA compliant ramps.
 - c. Crossing gate across the sidewalk on the east side of Wharf Street.

7. The Applicant agrees to fund the installation of signs restricting the right turn from Wharf Street to East Street.
8. The Applicant agrees to fund pedestrian improvements at the Commercial Street/ East Street intersection to the satisfaction of the Town of Weymouth:
 - a. Crosswalk across Commercial Street on the north side of East Street, utilizing the triangular traffic island
 - b. Widen the sidewalk at the southeast corner of the Commercial Street/ East Street intersection to shorten the crossing distance across East Street, and lower the speed of traffic turning right from Commercial Street to East Street.
 - c. Relocate the crosswalk across East Street closer to Commercial Street to improve the turning driver – crossing pedestrian sight line.
9. The Applicant agrees to fund the installation of two (2) speed feedback signs on East Street at locations to be determined by the Town of Weymouth.

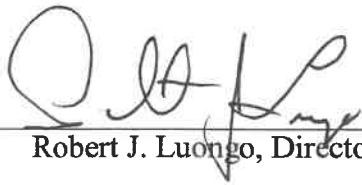
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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. 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 October 16, 2020

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, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

October 16, 2020

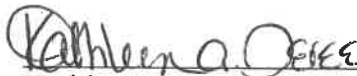
Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Wharf Associates, 70 Quincy Avenue, Quincy, MA 02169, affecting the rights of the owner with respect to land or buildings at 44 WHARF STREET also shown on the Weymouth Town Atlas Sheet 19, Block 172, Lots 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 # 3416

Date of Hearing: 09/30/20