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TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

2016 JUL 26 PM 2:21

TO BE COMPLETED BY STAFF

Case Number: 3301

Town Clerk Stamp

Submittal Accepted: E.S. Date 7-25
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: 41 Barnes Avenue

Assessor's Map Sheet, Block, & Lot: 55-611-14

Zoning District: R-1 Overlay District: Watershed Protection

OWNER OF RECORD (S) (print & sign): John P. Hylan

(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: 53 Barnes Avenue, S. Weymouth, MA 02190

Norfolk County Registry of Deeds Book and Page No. _____

Or registered in Land Registration Office under Certificate No. 188431

NAME OF APPLICANT (S) (print & sign): John P. Hylan

Applicant's Address: 53 Barnes Ave., S. Weymouth, MA 02190

Contact Information: Email jhyland@cannistraro.com Phone 617-293-5023

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Frank J. Baldassini, Esq., 59 Winter St., Weymouth, MA 02188

Contact Information: Email fjb@bblaw59.net Phone 781-337-3008

NAME OF ENGINEER AND / OR ARCHITECT: Hoyt Land Surveying

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.

✓ John Hylan
Applicant / Petitioner - Date (sign & print)

7/25/16

NATURE OF REQUEST

Application is for: XXXXX Special Permit _____ Variance _____ Other: _____

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

ARTICLE XV - §120-53

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):

Single family homes located at both 41 Barnes Ave. and 53 Barnes Ave.

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

Applicant seeks to subdivide the lot at 41 Barnes Ave by transferring Parcel 1 shown on the filed plan (14,400 s.f.) to 53 Barnes Ave. After the transfer, 41 Barnes Ave would contain 23,677 s.f and 53 Barnes Ave would contain 29,681 s.f

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 XV - §120-53: The lots were configured prior to 12/1/13, the lots to be subdivided total 40,000 square feet, the proposed lots meet frontage requirements, the proposed new lots total not less than 17,500 s.f. and the lots are similar in size and configuration to the other lots in the neighborhood.

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).

Not aware

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

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		One Family	One Family
Lot Area / Size (Sq. Ft.)	17,500	37,677	23,677
Dwelling Units	1	1	1
Frontage (ft.)	120	120	120
Lot Width (ft.)	120	120	120
Front Yard Setback (ft.)	18	22.1	22.1
Front Yard Setback (ft.) – corner lots	n/a		
Side Yard Setback (ft.)	10	19.2	19.2
Side Yard Setback (ft.)	10	11.8	11.8
Rear Yard Setback (ft.)	30	119.1	119.1
Height (ft.) & # of Stories	2 1/2	2	2
Lot Coverage	30%	Less than 30%	Less than 30%
Off-Street Parking Spaces	n/a		
Off-Street Loading Spaces	n/a		
Parking Setback	n/a		
Accessory Structure Setback	n/a		
Landscaping	n/a		
Floor Area Ratio	n/a		
Signage	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.

Both properties will continue to be used as single family residences

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

The transfer of the rear portion will not be detrimental or adversely affect the character of the neighborhood

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

No change that affects vehicular or pedestrian traffic

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

No change in use

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

Transfer of the land will allow the lots to be squared off and potentially avoid issues between the neighbors due to the layout of the existing lots.

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.

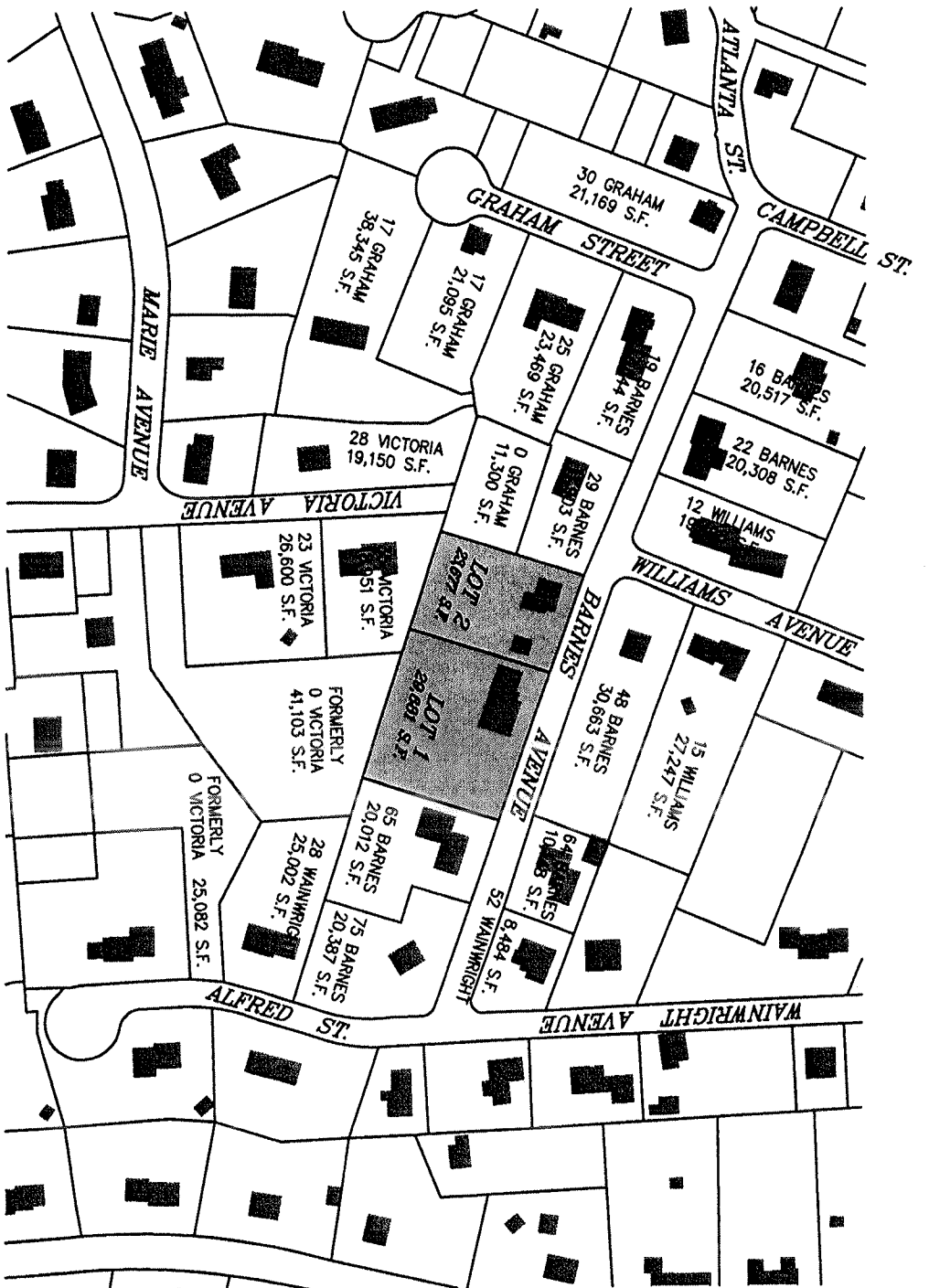
1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.

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.

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.

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.

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.



**SKETCH PLAN
TO ACCOMPANY ZBA FILING
41 BARNES AVENUE
WEYMOUTH, MA**

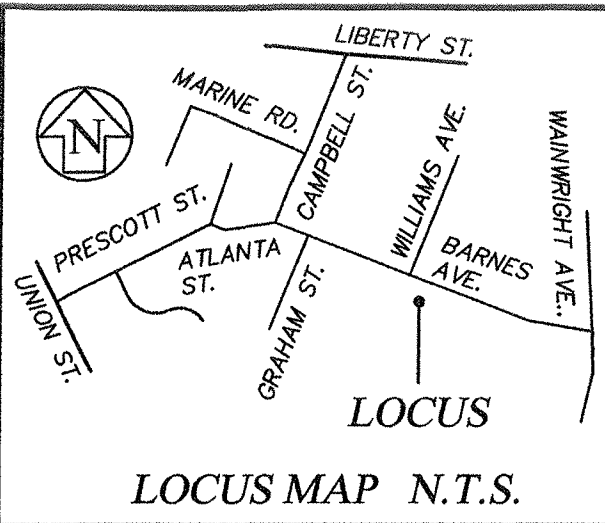
SCALE 1" = 200' DATE 2-12-16

NOTE:
ABUTTING LOT AREAS SHOWN WERE COMPILED
FROM AVAILABLE RECORDS WITH THE TOWN OF
WEYMOUTH ASSESSING DEPARTMENT.



GRAPHIC SCALE SCALE: 1"=200'

HOYT LAND SURVEYING
1287 WASHINGTON STREET
WEYMOUTH MA, 02189
781-682-9192



LOCUS INFORMATION:

OWNER/APPLICANT

JOHN T. HYLAN
53 BARNES AVE.
WEYMOUTH, MA

0 BARNES AVE
ASSESSORS LOTS 55-611-24 AND 25 (PARCELS 7 AND 8)
LEGAL REF: BOOK 32152 PAGE 440

41 BARNES AVE
ASSESSORS LOT 55-611-14 (PARCELS 1 AND 2)
LEGAL REF: LCC 188431

53 BARNES AVE
ASSESSORS LOT 55-611-15 (PARCEL 9)
LEGAL REF: BOOK 12270 PAGE 390

ABDONMENT OF MARIETTA AVENUE (PARCELS 3, 4, 5, AND 6)
ABDONMENT OF BARNES AVENUE (PARCELS 10 AND 11)

PLAN OF LAND

0, 41, 53 BARNES AVENUE
WEYMOUTH, MASSACHUSETTS

SCALE 1" = 30'

DATE: 2-09-16

GRAPHIC SCALE



HOYT LAND SURVEYING

1287 WASHINGTON STREET
WEYMOUTH MA.02189
781-682-9192

FLOOD PLAIN NOTE:
LOTS SHOWN LIE WITHIN A ZONE X, AREA OF
MINIMAL FLOODING, COMMUNITY PANEL NUMBER
25021C0241E, JULY 17, 2012

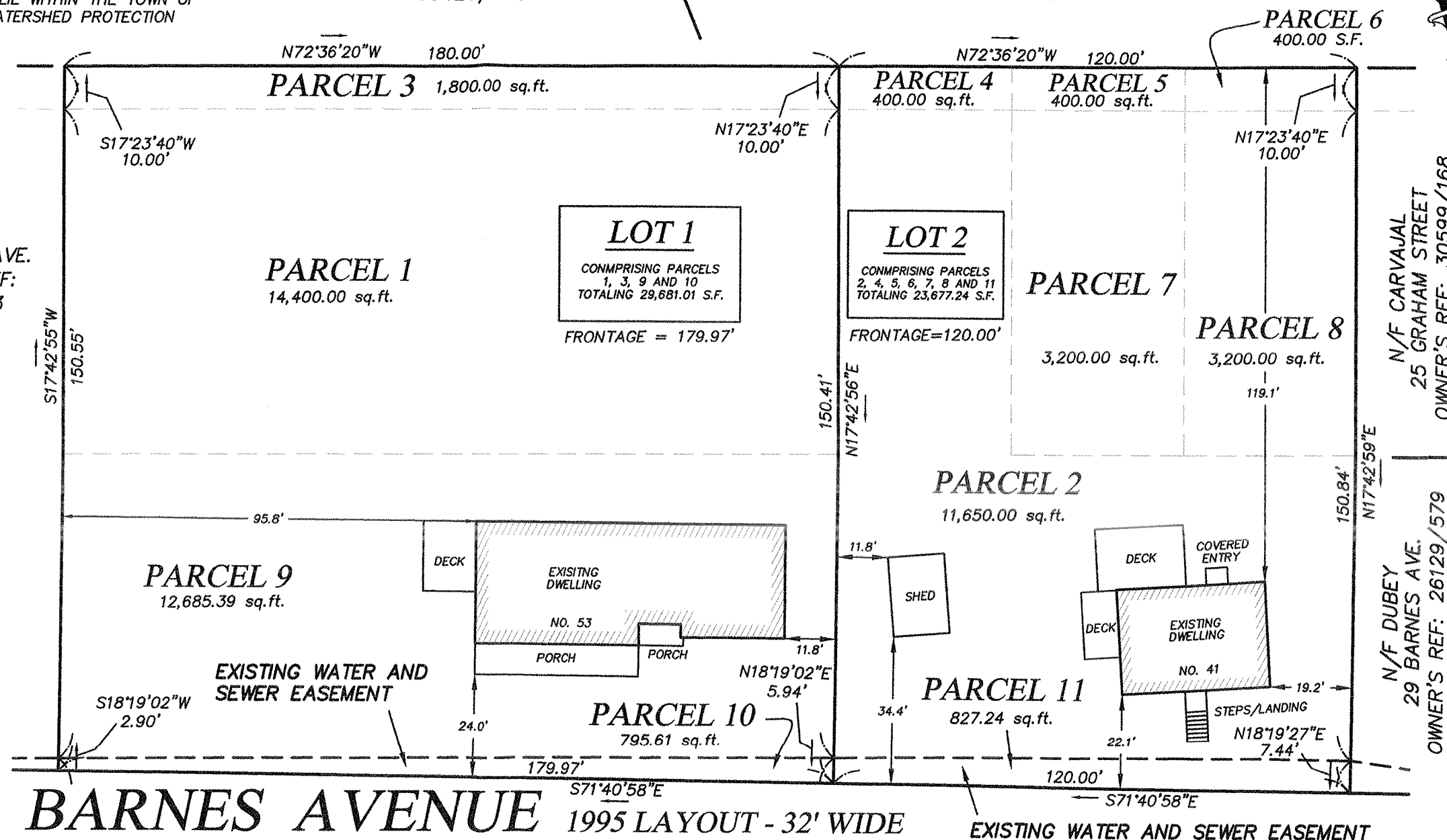
WATERSHED NOTE:
LOTS SHOWN LIE WITHIN THE TOWN OF
WEYMOUTH WATERSHED PROTECTION
DISTRICT

ZONE
R-1

N/F
TASSINARI
65 BARNES AVE.
OWNER'S REF:
28831/593

N/F
GOSSELIN HOME BUILDERS
0 VICTORIA AVE.
OWNER'S REF:
33420/575

N/F
MURGATROYD
35 VICTORIA AVE.
OWNER'S REF:
28678/15



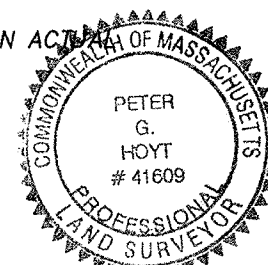
BARNES AVENUE 1995 LAYOUT - 32' WIDE

I CERTIFY:

1. THIS PLAN IS THE RESULT OF AN ACTUAL SURVEY
ON THE GROUND SURVEY.

PETER G. HOYT P.L.S.

2-9-16
DATE



DIMENSIONAL REQUIREMENTS	
ZONING DISTRICT: RESIDENTIAL R-1	
SCHEDULE OF DISTRICT REGULATIONS	
TABLE 1	REQUIRED
AREA	25,000 S.F.
MIN. LOT WIDTH	120 FEET
MAX. HEIGHT	2.5 STORIES / 35 FEET
MIN. FRONT YARD DEPTH	18 FEET
MIN. SIDE YARD DEPTH	10 FEET*
MIN. REAR YARD DEPTH	24 FEET**
MAX. LOT COVERAGE	30%
* 20 FEET OF ANY OTHER DWELLING	
** LESSER OF 24 FEET OR 1/5 LOT DEPTH	

PLAN AND DEED REF:

1. LAND COURT PLAN 40790A
2. LAND COURT DOCUMENT NO. 848815 (1995 LAYOUT OF BARNES)
3. PLAN BOOK 434 PAGE 704 (1995 LAYOUT OF BARNES AVENUE)
4. DEED BOOK 13964 PAGE 183 (TAKING OF MARIETTA AVENUE)
5. DEED BOOK 13964 PAGE 199 (ABANDONMENT OF MARIETTA AVENUE)
6. PLAN BOOK 219 PAGE 1053 (WATER EASEMENT)
7. PLAN BOOK 324 PAGE 791 (SEWER EASEMENT)
8. PLAN BOOK 51 PAGE 2414
9. PLAN BOOK 24 PAGE 1085