

TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT
138 BRIDGE STREET

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

Owner: Castle Properties LLC
Address: 44 Bedson Road
Cranston, RI 02910

Date: July 28, 2016

Applicant: Anthony Nota
Address: 44 Bedson Road
Cranston, RI 02910

Case #: 3286

Representative: None
Address:

Site Address: 138 Bridge Street
Sheet: 6
Block: 62
Lot: 13

Zoning District: B-2 (General Business)

Zoning Board of Appeals application filed on April 15, 2016.

After a public hearing on June 1, 2016, continued to June 22, 2016, advertised in the Weymouth News on May 18 and May 25, 2016, the Board of Zoning Appeals at its meeting of June 22, 2016:

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Article XIII, 120-40 "Extension or change of Nonconforming Uses or Structures" to allow the petitioner to change the face of an existing ~58 SF pylon sign with the names of new tenants.

SPECIAL PERMIT FINDINGS:

The Board found that:

1. The specific site is an appropriate location for such a use. **The sign has been in existence since 1981.**
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 not changing the size, location or square footage.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

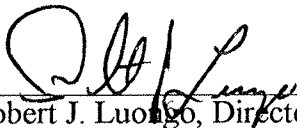
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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, and (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 July 28, 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, Director of Planning and Community Development

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, June 1, 2016

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Ed Foley

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 7:05 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Case #3286 – The petitioner, Anthony Nota, for property located at **138 Bridge Street**, also shown on the Weymouth Town Atlas sheet 6, block 62, lot 13, located in an B-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-40 Extension or change of non-conforming use or structure

Presently located on the property is an existing ~58 SF pylon sign. The petitioner is proposing to change the face of the existing sign with the names of the new tenants.

Sitting Members: Richard McLeod
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Ed Foley

Ed Foley made a motion to open the public hearing on Case # 3286 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3286 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the board was the applicant Anthony Nota. He has owned the company for about 10 years. After the fire 2 years ago they rebuilt the building and the sign was not damaged but it is about 20 years old and he would like to update it.

He would like to keep the same size but have a new box built with dividers to change the name of the four tenants individually instead of having to change the entire face of the sign every time there is a new tenant.

He has a temporary permit to change the face of the sign which is what he has done.

Ed Foley asked him if he changed the sign already and the applicant said yes, he received a permit from the Commissioner to change the face of it. Ed said because it is a nonconforming use, he would like to see him stay with what is there. The 58 square feet will not change but he would like the face to stay the same and not have the new sliders individually.

There are no staff comments.

Public Comments:

Becky Haugh, District 1 Town Councilor – according to our zoning, adult store signs should be 50 feet from a public way. Has this board approved the sign in the prior years. Amazing opened in 1995 and the new zoning on adult stores was passed in May of 1995.

The sign has been permitted there for 20 years.

Ed Foley said, now that the zoning has changed, is the sign grandfathered in. Signage for adult entertainment should be 50 feet away from a public way. Ed would like to have staff review this to let the board know if we have the authority to grant this application.

Eric Schneider will check with the town's attorney to see if the sign needs to be 50 feet from the road.

Becky said it is a beautiful building and they have been great neighbors. She represents the residents and wants to see if the sign could be moved back.

Meagan Wood, works for the company and asked where the problem for the permit lies? Ed Foley said back in 1995 the town changed the zoning that said any adult store sign has to be back 50 feet from the road. Ed wants to know if it affects the board in granting a special permit for a nonconforming use.

Ed Foley made a motion to continue the public hearing to June 22, 2016 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

Jonathan said he would not be here on June 22, 2016.

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, June 22, 2016

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Ed Foley - **Absent**
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 7:06 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Old Business:

Case #3286 – Continued Public Hearing from 6/1/2016- The petitioner, Anthony Nota, for property located at **138 Bridge Street**, also shown on the Weymouth Town Atlas sheet 6, block 62, lot 13, located in an B-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-40 Extension or change of non-conforming use or structure

Presently located on the property is an existing ~58 SF pylon sign. The petitioner is proposing to change the face of the existing sign with the names of the new tenants.

Sitting Members: Richard McLeod
 Kemal Denizkurt
 Chuck Golden
 Jonathan Moriarty
 Ed Foley - **Absent**

Appearing before the board was Leslie Rich representing the owner as he was unable to attend this evening.

Eric Schneider said that he spoke with the building department and they did some research. The sign was originally placed in 1991 which predates the ordinance in 1994. The opinion of the Building Inspector is that this would be grandfathered in and not applicable to the 1994 update.

Kemal Denizkurt asked if the frame was changing and Mr. Rich said no, they will not be changing the sign design at all. Originally they wanted to be able to change the face of the sign with the new tenants but they decided to leave it the way it is.

Mr. Rich said they have received a temporary permit and need a final permit. They are looking for a continuation of a nonconforming sign.

Jonathan Moriarty made a motion to close the public hearing on Case #3286 and was seconded by Kemal Denizkurt.

VOTED 4-0

Kemal Denizkurt made a motion to approve the application on Case #3286 and was seconded by Jonathan Moriarty.

VOTED 4-0

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 sign has been in existence since 1981.**
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 not changing the size, location or square footage.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

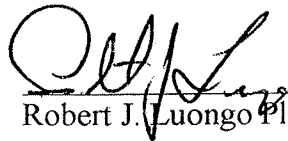
BOARD OF APPEALS

July 28, 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 Anthony Nota, 44 Bedson Road, Cranston, RI 02910, affecting the rights of the owner with respect to land or buildings at 138 Bridge Street, also shown on the Weymouth Town Atlas Sheet 6, Block 62, Lot 13, 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 # 3286

Date of Hearing: 6/1/2016, 6/22/2016