

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
328 NORTH STREET**

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2016 SEP 27 AM 10:00

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

Owner:	Dawn & Charles Struzzieri	Date:	September 27, 2016
Address:	Debra & Richard Freeman 328 North Street Weymouth, MA 02191		
Applicant:	Debra & Richard Freeman	Case #:	3299
Address:	328 North Street Weymouth, MA 02191		
Representative:	N/A	Site Address:	328 North Street
		Sheet:	10
		Block:	103
		Lot:	1

Zoning District: R-1

Board of Zoning Appeals application filed on July 14, 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 120-40; Continuation of non-conforming use, to allow the petitioner to construct a ~16' X 16' single-story addition at the rear of a single-family dwelling occupied by the applicant, located on an ~8 acre lot with 3 existing single-family dwellings, each occupied by same family members, 2 barns, in-ground swimming pool and pool house. Per plan by Fisher Associates Architects, "Freeman Family Renovation", signed and stamped by Patricia J. Fisher, RA, dated May 31, 2016, sheets A-1 – A-6.

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 present home conforms with all setbacks. The proposed addition will not encroach into the setbacks.

2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
It's a unique property and this will give the applicant more space for his growing family.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
The addition is set back and there will be no additional vehicles or pedestrians in this area.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
Staff will review and make sure this is set up.
5. That the public convenience and welfare will be substantially served with the proposal.
By issuing this permit the town will feel confident it will collect back taxes. The project will increase the assessed value of the home.

CONDITION:

1. No building permit will be issued until all taxes and water bills are paid in full and current.

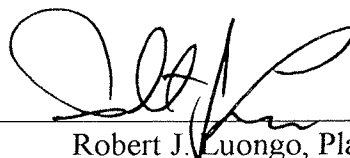
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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 27, 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.

Case #3299 – The petitioner, Richard Freeman, for property located at **328 North Street**, also shown on the Weymouth Town Atlas sheet 10, block 103, lot 1, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-40 Continuation of non-conforming use

Presently located on the ~8 acre lot are 3 existing single-family dwellings, each occupied by same family members, 2 barns, in-ground swimming pool and pool house. The petitioner seeks to construct a ~16' X 16' one-story addition at the rear of the dwelling he presently occupies.

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

Ed Foley made a motion to open the public hearing on Case #3299 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3299 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the board was Patricia Fisher, Fisher Associates Architects and the applicant Mr. Freeman.

BZA Decision – 328 North Street
(Case 3299)

There are 3 houses and several buildings on the property. The only non-conformity of the property is the multiple structures. The 3 houses are occupied by the grandparents in one house and the two daughters and their families in the other 2 houses. The mortgage is held by one of the sisters but not Mr. Freeman and his wife. They live in the 3rd house and would like to put an addition on their house. The proposed addition meets all the set back requirements.

Chairman McLeod asked what is in the barn and Mr. Freeman said it is his father-in-laws items, just misc. stuff such as bikes, tools, etc.

Ed Foley asked if the taxes are current and it was stated no they are not. The applicants Sister-in-Law owns the property and it is all in their name. There is approximately \$32,000 owed in back taxes.

A special permit is good for two years and a building permit will not be issued until the back taxes are paid off.

Jonathan Moriarty asked who is the owner of the property? Mr. Freeman said it is himself, his wife, his sister-in-law and her husband. There are 4 people on the deed.

Jonathan asked if the applicant needs to be all the owners of record. Bob Luongo said no.

Mr. Freeman said his sister-in-law refinanced and the taxes never got paid by the old bank. He believes they are current since they refinanced. Jonathan Moriarty asked how long have they been disputing this?

Ed Foley made a motion to close the public hearing on Case #3299 and was seconded by Kemal Denizkurt. VOTED UNANIMOUSLY

Ed Foley made a motion to approve this application for Case #3299 and was seconded by

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7. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
It's a unique property and this will give the applicant more space for his growing family.
8. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
The addition is set back and there will be no additional vehicles or pedestrians in this area.

9. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
Staff will review and make sure this is set up.
10. That the public convenience and welfare will be substantially served with the proposal.
By issuing this permit the town will feel confident it will collect back taxes. The project will increase the assessed value of the home.

Condition:

2. No building permit will be issues until all taxes and water bills are paid in full and current.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

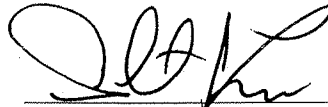
BOARD OF APPEALS

September 27, 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 Debra & Richard Freeman, 328 North Street, Weymouth, MA 02191, affecting the rights of the owner with respect to land or buildings at 328 North Street, also shown on the Weymouth Town Atlas Sheet 10, Block 103, Lot 1, 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 # 3299

Date of Hearing: 8/24/2016