

*Town of Weymouth  
Massachusetts*

Kathleen A. Deree  
Town Clerk

Town Clerk's Department  
781-340-5017  
781-682-6129 (FAX)



Susan M. Kay  
Mayor

75 Middle Street  
Weymouth, MA 02189

November 2, 2015

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 2, 2015 on APPLICATION OF: Stephen S. Gosselin, Case # 3261.

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 ON SPECIAL PERMIT REQUEST  
15 VICTORIA AVENUE/14 WAINWRIGHT AVENUE**

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

**Owner:** Stephen S. Gosselin  
**Address:** 1540 Bedford Street  
Abington, MA 02351  
M/M Michael Dean  
14 Wainwright Avenue  
Weymouth, Ma 02190  
M/M Richard Mahan  
15 Victoria Avenue  
Weymouth, MA 02190

**Date:** 10/13/2015

**Applicant:** Stephen S. Gosselin  
**Address:** 1540 Bedford Street  
Abington, MA 02351

**Case #:** 3261

**Representative:** Gregory F. Galvin  
775 Pleasant Street  
Weymouth, MA 02189

**Site Address:** 15 Victoria Ave  
Weymouth, 02190  
14 Wainwright Ave  
Weymouth, 02190

**Sheet:** 55  
**Block:** 611  
**Lot:** 58,59,61,62,63,47,76,  
& 39

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2015 OCT 13 AM 9:07

**Zoning District: R-1 (Low Density Residential)**

Board of Zoning Appeals application filed on July 29, 2015.

After a public hearing on September 2, 2015, and advertised in the Weymouth News on August 19, 2015 and August 26, 2015, the Board of Zoning Appeals at its meeting of September 2, 2015:

VOTED TO GRANT A SPECIAL PERMIT under Weymouth Zoning Ordinance Article XV Section 120-59.1 requiring that if any lot is to be subdivided into three or more lots, then each lot shall have a minimum lot measurement of 72 feet at the front lot line. Applicant proposed two new buildable lots and the reconfiguration of two additional lots with existing homes. The two new buildable lots will have frontages of 40 feet and 36 feet.

**CONDITIONS:**

1. No further subdivision of the four lots may be subdivided further regardless of whether additional contiguous property is obtained.
2. The existing building with the address of 15 Victoria Avenue will have its address changed as its only frontage will be on Hingham Avenue after the reconfiguration.

3. No additional easements will be granted across the properties for the purpose of extending water and sewer service lines. Access to utilities will be made directly from each lot's eventual frontage street.
4. Show the proposed driveway coming off Hingham Avenue for the existing building at what is now 15 Victoria Avenue.

SPECIAL PERMIT FINDINGS:

The Board found that:

1. The specific site is an appropriate location for such a use.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The public convenience and welfare will be substantially served.

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, and (3) the 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 October 13, 2015

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.



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James Clarke, Director of Planning and Community Development

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
**Wednesday, September 2, 2015**

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

**Also Present:** Jim Clarke, Director of Planning  
Eric Schneider, Principal Planner  
Jeffrey Richards, Building Inspector  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:06 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

**Case # 3261**– The petitioner, Stephan Gosselin for property located at Wainwright Avenue/Victoria Avenue, also shown on the Weymouth Town Atlas Sheet 55, Block 611, Lots 58,59,61,62,63,47,76,39, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit:           Article XV, Section 120-59.1

The petitioner is seeking to combine several lots to create two new buildable lots with adequate square footage but less than the 72' of frontage required under 120-59.1, also to reconfigure two non-conforming lots with existing single family homes (14 Wainwright Av & 15 Victoria Av) to be less non-conforming.

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

Ed Foley made a motion to open the public hearing on Case # 3261 and was seconded by Jonathan Moriarty. Voted unanimously

Ed Foley made a motion to waive the reading of the publication and was seconded by Jonathan Moriarty. Voted unanimously

Appearing before the board was Attorney Gregory Galvin, 775 Pleasant Street, Weymouth, MA representing the applicant Stephen Gosselin.

There are two nonconforming lots with houses and 5 vacant lots. He is seeking to combine the lots so as to create 2 new buildable lots with adequate 40' of frontage. The 2 existing non conforming lots will be reconfigured to be less non-conforming.

Richard MacLeod disclosed that he knows the owner of the orange lot as they sit on another board together.

Mr. Dean's lot would then become 30,785 s.f. and Mr. Foley asked if Mr. Dean has any intention to come before the board to subdivide that lot in the future, and that it would need to be a condition that it cannot happen.

Kemal Denizkurt asked if the applicant has spoken to abutters and it was stated all but one on Victoria and Wainwright. Everyone else is in agreement.

Eric Schneider said Mr. MacNamara came into the office and has no problems with it and he has an auction bid to purchase the lot behind him (#51).

The board reviewed the lots and felt there are a lot of lots that are being auctioned or town owned and felt a condition that these would not be subdivided would be necessary.

All of the DPW, Engineering Division comments were discussed in detail with the board. Water and Sewer service lines will be provided through easements. There was a lot of discussion on this issue as the plan was not complete and would need approval from DPW. The Department of Public Works does not want to see any easements per their comments. The plan before the board is currently proposing easements.

The applicant stated he will put together a full water and sewer line plan for the DPW which will need their approval.

The public was given the opportunity to speak and there were no comments.

Ed Foley made a motion to close the public hearing on Case # 3261 and was seconded by Jonathan Moriarty and voted unanimously

Ed Foley made a motion to approve the special permit request for Case # 3261 14 Wainwright – 15 Victoria to create two new buildable lots in excess of 25,000 sq ft, 1 lot with an existing home will be substantially less non-conforming at 19,191 sq ft, 1 lot with an existing home will now be conforming at 30,785 sq ft. Lot #15 Victoria with 70' of frontage per section 120-59.1

Special Permit Criteria for Approval Section 120-122D:

1. The specific site is an appropriate location for such a use.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
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. **See Engineering Memo 1-5**
5. That the public convenience and welfare will be substantially served with the proposal.

The board had the following conditions:

- No easements, a new plan must be submitted
- All four lots cannot be subdivided in the future even if additional land is added to any of these lots they cannot be divided again.

This motion was seconded by Jonathan Moriarty. Voted unanimously

**Other Business:**

Review of Minutes – July 8, 2015

Ed Foley made a motion to approve the minutes of July 8, 2015 as written and was seconded by Jonathan Moriarty. Voted unanimously

Upcoming Meetings – September 2, 2015, September 23, 2015, October 7, 2015, October 21, 2015

**ADJOURNMENT**

Jonathan Moriarty made a motion to adjourn at 9:30 pm and was seconded by Chuck Golden. Voted unanimously

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

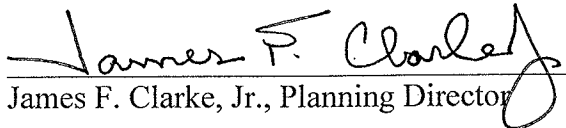
**BOARD OF APPEALS**

October 13, 2015

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 Stephan S. Gosselin, 1540 Bedford Street, Abington, MA 02351 affecting the rights of the owner with respect to land or buildings at 15 Victoria Avenue, 14 Wainwright Avenue, also shown on the Weymouth Town Atlas Sheet 55, Block 611, Lots 58, 59, 61, 62, 63, 47, 76, 39, 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.

  
James F. Clarke, Jr., Planning Director

  
Kathleen Deree, Town Clerk

Case # 3261

Date of Hearing: 9/2/2015