

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
32-38 WASHBURN STREET**

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

Owner:	Ryder Development Corp.	Date:	March 7, 2017
Address:	847 Washington Street Weymouth, MA 02189		
Applicant:	Ryder Development Corp.	Case #:	3320
Address:	847 Washington Street Weymouth, MA 02189		
Representative:	Gregory F. Galvin, Esq. 775 Pleasant Street Weymouth, MA 02189	Site Address:	32-38 Washburn St
		Sheet:	23
		Block:	304
		Lot:	36

Zoning District: R-1

Board of Zoning Appeals application filed on December 22, 2016.

After a public hearing on January 25, 2017, advertised in the Weymouth News on January 11, and January 18, 2017, the Board of Zoning Appeals at its meeting of January 25, 2017

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance 120-39 Continuation of non-conforming use; 120-40 Extension or change; 120-70(B) Off-street parking; to grant relief for the petitioner to rehabilitate an existing single-family dwelling and to demolish an existing 3-family dwelling and construct a new 2-family duplex with green space and four (4) off-street parking spaces per plan entitled "Plan of Land 32-38 Washburn Street Weymouth, MA" by Hoyt Land Surveying, dated October 31, 2016, revised November 14, 2016.

FINDINGS:

1. The specific site is an appropriate location for such a use.
2. The proposed use of 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, utilizes 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.

CONDITION:

Prior to demolition, the property is to be inspected by the Health Department.

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) 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 **March 7, 2017**

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, January 25, 2017

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Chuck Golden
Brandon Diem

Ed Foley - Absent

Also Present: Bob Luongo, Director of Planning
Eric Schneider, Principal Planner
Janet Murray, Recording Secretary

Mr. Denizkurt 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 #3320 - The petitioner, Ryder Development Corp., for property located at **32-38 Washburn Street**, also shown on the Weymouth Town Atlas sheet 23, block 304, lot 36, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit:	120-39	Continuation of non-conforming use
	120-40	Extension or change
	120-70(B)	Off-street parking

Presently there are two (2) buildings on the lot, a single-family dwelling with off-street parking and a 3-family dwelling with off-street parking. The petitioner seeks to rehabilitate the single-family dwelling and to demolish the 3-family to construct a 2-family duplex with green space and four (4) off-street parking spaces.

Mr. Moriarty made a motion to open the public hearing on Case #3320 and was seconded by Mr. Golden. UNANIMOUSLY VOTED.

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Mr. Golden. UNANIMOUSLY VOTED.

Attorney Gregory Galvin, 775 Pleasant Street, Weymouth, MA, appeared before the board with the applicant, Ken Ryder.

Mr. Galvin stated that the property is in a R-1 zone. The lot currently has two dwellings on it, a single family and a 3-family.

Mr. Galvin stated that Mr. Ryder's Intent is to rehab the single-family dwelling, and keep it as a single-family dwelling. He would remove the 3-family, demolish it and construct a two-family. This would lessen density by removing one unit

Mr. Ryder would move the building further to the rear of the property when constructing the two family, thus providing off-street parking for this lot. The single family will still have on-street parking.

Mr. Galvin stated that he spoke to Ken DiFazio whose family owns property on the corner of Washburn and Shawmut Streets. He noted that Mr. DiFazio expressed support for the project as it will remove cars from Washburn Street.

Mr. Galvin stated that comments were received from DPW and the Traffic Department. The comments are addressed in the plan. He stated that he received the plan, today, from Hoyt engineering.

The town has not seen plans, however Mr. Schneider stated that the items are housekeeping items with nothing that is a deal-breaker.

Mr. Denizkurt asked how many bedrooms are in the single family. Mr. Ryder stated that the one family has two bedrooms and will remain a two bedroom. The house needs a new roof, siding, and windows. He also noted that the landscaping needs to be Cleaned up land.

Mr. Ryder stated that the three family has structural issues and it is better to take the structure down, push the building back, and provide on-site parking.

Mr. Denizkurt asked if they will remain rentals. Mr. Ryder stated they will be remain rentals.

Mr. Diem asked about the distance between the proposed two family and the existing single family.

Mr. Ryder stated that the current distance is 8 feet and will be Increased to 12-15 feet. He noted that the Side setbacks are then met. The proposed dwelling will be more centered on the lot.

The Health Department requested that they Inspect building before it is demolished.

Mr. Schneider pointed out that the existing single family does not have off-street parking. The new two family will have four parking spots.

Mr. Schneider asked for clarification as to why the parking was not in the back to keep the streetscape. Mr. Ryder stated that easements would be needed and the topography from the front to the back is a 20-foot drop.

Mr. Diem asked if there would be construction issues with accessing the property. Mr. Ryder stated that he owns the property to the rear of this lot so he will use that access. The project should take about four to five months and work hours are 7:30 AM to 4:30 PM, Monday through Friday. They do not work on Sunday, but do work on Saturdays.

Mr. MacLeod asked if there was anyone present who would like to speak. There was no response.

Mr. Golden made a motion to close the public hearing and was by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Golden made a motion to approve the application for a special permit for Case #3320.

6. The specific site is an appropriate location for such a use.
7. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
8. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
9. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
10. That the public convenience and welfare will be substantially served with the proposal.

The site will have three dwelling units rather than the current four as well as four off-street parking spots for the two-family dwelling. One condition is that the property be inspected by Board of Health prior to demolition

The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

March 7, 2017

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 Ryder Development Corp., Weymouth, MA 02189, affecting the rights of the owner with respect to land or buildings at 32-38 Washburn Street also shown on the Weymouth Town Atlas Sheet 23, Block 304, Lot 36, 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 # 3320

Date of Hearing: 1/25/2017