

***Town of Weymouth
Massachusetts***

**Kathleen A. Deree
Town Clerk**

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



**Robert L. Hedlund
Mayor**

**75 Middle Street
Weymouth, MA 02189**

May 18, 2020

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 February 26, 2020 on APPLICATION OF: JS Barry Development, LLC, Case # 3405.

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
1193 COMMERCIAL ST**

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

Owner:	Roman Catholic Archbishop	Date:	April 28, 2020
Address:	1199 Commercial St Weymouth, MA 02189		
Applicant:	JS Barry Development, LLC	Case #:	3405
Address:	PO Box 948 Hanover, MA 02339		
Representative:		Site Address:	1193 COMMERCIAL ST
		Sheet:	19
		Block:	249
		Lot:	34
Filing Date:	12/23/2019		
Hearing Date:	02/26/2020		
Advertised:	01/15/2020 & 01/22/2020		

**RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE**

Zoning District: OSD

At a public hearing on 02/26/2020 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Weymouth Zoning Ordinance Section 120-37.1B Special Permit Uses, Section 120-39 and 120-40, Extension or Change of a Nonconforming Uses* to permit the petitioner to renovate the existing building including interior demolition and reconstruction of 12 dwelling units as per site plan by EMBR Architects dated 2/18/2020.

FINDINGS:

The Board found that the proposal met the requirements for a Special Permit under Section 120-122 (D) as follows:

1. The specific site is an appropriate location for such a use. *The building has always been utilized for residential purposes. It is the conversion of an old convent to market rate units.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *This is adjacent to another newly converted public building.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The service driveway for this building will now be closed as a cut through to the Immaculate Conception Church. The small driveway leading to the rectory will also be closed off to vehicle traffic.*

4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The applicant will be upgrading the utilities serving the building.*
5. That the public convenience and welfare will be substantially served with the proposal. *The project will create additional housing opportunities for the community.*

CONDITIONS:

1. Construction will adhere to the plan set dated 2/18/20 including all cut sheets provided and materials specified therein.
2. The two light poles along the property line with 1187 Commercial Street will each have two heads to better light both parking lots.

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. 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 April 28, 2020

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 Luongo

Robert J. Luongo, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

April 28, 2020

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 JS Barry Development, LLC, PO Box 948, Hanover, MA 02339, affecting the rights of the owner with respect to land or buildings at 1193 COMMERCIAL ST also shown on the Weymouth Town Atlas Sheet 19, Block 249, Lots 34, 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 Luongo
Robert J. Luongo, Planning Director

Kathleen A. Deree
Kathleen Deree, Town Clerk

Case # 3405

Date of Hearing: 02/26/2020

BZA Decision – 1193 COMMERCIAL ST
(Case 3405)