

***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**

September 11, 2018

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 July 25, 2018 on APPLICATION OF: Tom Le, Letran Enterprises, LLC, Case # 3361.

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
254 WASHINGTON STREET**

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

Owner: LeTran Enterprises LLC **Date:** August 22, 2018
Address: 67 Walnut Avenue
Braintree, MA 02184

Applicant: Tom Le, Letran Enterprises LLC **Case #:** 3361
Address: 67 Walnut Avenue
Braintree, MA 02184

Representative: Raymond D. Jennings, Esq.
775 Pleasant Street, Suite 7
Weymouth, MA 02189 **Site Address:** 254 Washington Street
Sheet: 20
Block: 282
Lot: 1

**RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2018 AUG 22 AM 10:21**

Zoning District: B-1 / R-1

Board of Zoning Appeals application filed on June 27, 2018.

After a public hearing on July 25, 2018, advertised in the Weymouth News on July 11, and July 18, 2018, the Board of Zoning Appeals at its meeting of July 25, 2018

VOTED TO GRANT THE VARIANCE under *Weymouth Zoning Ordinance: Dimensional Requirements (setbacks) and*
VOTED TO GRANT THE SPECIAL PERMIT under *Weymouth Zoning Ordinance 120-24(c) Detached one-family dwelling in a B-1 district; and 120-25 Grouping of Special Permitted Uses (Commercial and Residential)*

Granting relief for the petitioner to raze the existing one-story building on the front lot (recently destroyed by fire) and construct a new two-story building with first floor office space and a two bedroom residential unit on the second floor.

FINDINGS:

SPECIAL PERMIT CRITERIA:

1. The specific site is an appropriate location for such a use. *The existing use will not change.*
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The project will replace a similar structure destroyed by fire and will be better positioned on the lot.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The setback from Vine Street will be increased and create a safer condition for both pedestrians and vehicle traffic.*

4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use. *Existing on site utilities are adequate to serve the rebuilt structure.*
5. That the public convenience and welfare will be substantially served with the proposal. *The structure destroyed by fire is an eyesore and safety hazard. Several abutters spoke in favor of the project.*

VARIANCE CRITERIA:

The Board recognized that the original structure was built on a small lot (+/- 6,100 sf) and predated zoning. The property is particularly challenging as it is bounded by two public roads. The original building was destroyed by fire through no fault of the owner. The new building will be better positioned on the lot and the setback from Vine Street will be increased.

CONDITIONS:

1. The side stairwell shown on the submitted plan is an error and will be removed on a subsequent plan. Should a side stairwell be needed, the applicant will have to apply to the Board for a modification.
2. The dumpster location will be shown on the plan and the dumpster will be screened.

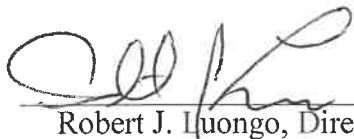
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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 August 22, 2018

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

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

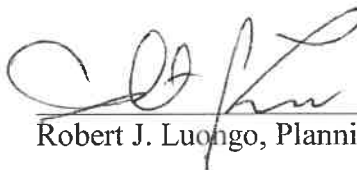
BOARD OF APPEALS

August 22, 2018

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 Tom Le. Letran Enterprises LLC, 67 Walnut Avenue, Braintree, MA 02184 affecting the rights of the owner with respect to land or buildings at 254 Washington Street, Weymouth, MA 02188, also shown on the Weymouth Town Atlas Sheet 20, Block 282, 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 # 3361

Date of Hearing: 7/25/2018