

***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**

August 18, 2019

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 June 26, 2019 on APPLICATION OF: Lester R Fulton & Sons Inc, Case # 3389.

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
81R HAWTHORNE RD**

2019 JUL 29 AM 11:37

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

Owner:	Lester R. Fulton & Sons Inc.	Date:	July 29, 2019
Address:	81R Hawthorne Street Weymouth, MA 02189		
Applicant:	Lester R. Fulton & Sons Inc.	Case #:	3389
Address:	81R Hawthorne Street Weymouth, MA 02189		
Representative:	Raymond D. Jennings III 775 Pleasant Street, Suite 7 Weymouth, MA 02189	Site Address:	81R HAWTHORNE RD
		Sheet:	23
		Block:	316
		Lot:	2 & 58
Filing Date:	5/22/2019		
Hearing Date:	06/26/2019		
Advertised:	06/12/2019 & 06/19/2019		

Zoning District: R-1

At a public hearing on 06/26/2019 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Weymouth Zoning Ordinance 120-40* as per draft concept plans by D.M. Williams Design dated 05/17/2019.

FINDINGS:

The Board found that allowing a new single family home to be built on the 2.4 acre lot while maintaining the existing carpentry shop as an accessory use would not be detrimental to the neighborhood and 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. *This is a large lot, zoned for residential use and abutting other single family homes.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The preexisting carpentry shop has been in existence and use since the 1950s without nuisance to the neighborhood.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The only additional traffic generated by the proposal will be from the new single family home. The Board added conditions (below) to the approval to further ensure the safety of residences.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The project requires approval from the*

Weymouth Conservation Commission given its proximity to wetlands and a potential vernal pool. The extension of utilities will be per DPW standards.

5. That the public convenience and welfare will be substantially served with the proposal. *The project will create a new single family home in the Town. The Board received several letters of support from direct abutters.*

VOTED UNANIMOUSLY TO GRANT A VARIANCE under *Weymouth Zoning Ordinance 120-56 Frontage Width* finding that the lot was created at a time prior to the modern 40' frontage requirement. Additionally, the lot is burdened with significant wetlands and a potential vernal pool limiting reconfiguration options. Given those hardships, the Board deemed the 30' frontage to be adequate.

CONDITIONS:

1. Hours of operation to be limited to 7:30 AM to 4:00 PM
2. A dumpster is not included in this approval. Should the end user of the commercial building require a dumpster, a separate BZA approval is required.
3. The commercial building is currently used as a small scale carpentry shop. Any escalation in this use, as determined by the Director of Planning and Community Development and the Inspector of Buildings, will require a public hearing and modification of this Special Permit.
4. Outdoor storage of building materials is prohibited.
5. All carpentry work associated with the commercial building will be confined to the interior of the building. Doors will be kept shut to further mitigate noise in the neighborhood.
6. Overnight storage of oversized commercial vehicles is prohibited.

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 July 29, 2019

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

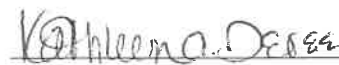
July 29, 2019

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 Lester R. Fulton & Sons Inc., 81R Hawthorne Street, Weymouth, MA 02189, affecting the rights of the owner with respect to land or buildings at 81R HAWTHORNE RD, also shown on the Weymouth Town Atlas Sheet 23, Block 316, Lots 2 & 58, 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 # 3389

Date of Hearing: 06/26/2019