

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
41 BARNES AVENUE**

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

Owner:	John P. Hylan	Date:	September 30, 2016
Address:	53 Barnes Avenue Weymouth, MA 02191		
Applicant:	John P. Hylan	Case #:	3301
Address:	53 Barnes Avenue Weymouth, MA 02191		
Representative:	Frank J. Baldassini, Esq. 59 Winter Street Weymouth, MA 02188	Site Address:	41 Barnes Avenue
		Sheet:	55
		Block:	611
		Lot:	14

Zoning District: R-1

Board of Zoning Appeals application filed on July 26, 2016.

After a public hearing on September 7, 2016, advertised in the Weymouth News on August 24, and August 31, 2016, the Board of Zoning Appeals at its meeting of September 7, 2016

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Section 120-53, Lot size less than 25, 000 but greater than 17,500, to grant relief for the petitioner to reconfigure several contiguous lots along Barnes Avenue into 2 lots. Lot 1 to be 29,681 SF, Lot 2 to be 23,677 SF, per plan "Plan of Land 0, 41, 53 Barnes Avenue" by Hoyt Land Surveying, revised 9/7/2016.

SPECIAL PERMIT FINDINGS:

1. The specific site is an appropriate location for such a use.
Both properties will continue to be used as single family residences. He would like to just square off the lots.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
The transfer of the rear portion will not be detrimental or adversely affect the character of the neighborhood. This will eliminate the pork chop effect of the lots.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
He has the appropriate frontage on both lots.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
The applicant has submitted a new plan with the correct footage on both lots.
5. That the public convenience and welfare will be substantially served with the proposal.
It serves the neighborhood to have the lots squared off.

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2016 SEP 30 PM 12:55

CONDITION:

This is to only square off the lots and they will not be subdivided in the future.

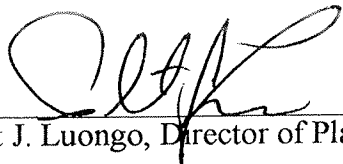
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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 September 30, 2016

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, September 7, 2016

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

Also Present: Bob Luongo, Planning Director
Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:10 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Case #3301 – The petitioner, John Hylan, for property located at **41 Barnes Avenue**, also shown on the Weymouth Town Atlas sheet 55, block 611, lot 14, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-53 Lot Size less than 25,000 but greater than 17,500

Application to reconfigure several contiguous lots along Barnes Avenue into 2 lots.
Proposed Lot 1 will be 29,681 SF. Proposed Lot 2 will be 23,677 SF.

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

Ed Foley made a motion to open the public hearing on Case #3301 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3301 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the board was Attorney Frank Baldasini and the applicant Mr. John Hylan. Mr. Baldasini handed the board members a new plan that was submitted as there was an error on the original one. The applicant owns both parcels of land. The applicant would like to transfer 14,400 square feet to 53 Barnes Avenue. After the transfer 41 Barnes Ave would contain 23,677 square feet and 53 Barnes Avenue would contain 29,681 square feet.

The new lots will not be less than 17,000 sq. feet.

Ed Foley asked if his intent is to just square the lots off and will not be subdividing them any further and the applicant stated that is correct. It is only to get rid of the "L" shaped lot.

Bob Luongo asked if he owns both parcels and the applicant stated yes.

Eric Schneider stated that they reviewed the engineering comments and everything has been addressed. New plans were submitted due to errors in the original survey plan submitted.

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

Ed Foley made a motion to close the public hearing on Case # 3301 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

Ed Foley made a motion to approve Case # 3301 for a Special Permit and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Special Permit Criteria for Approval. The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

6. The specific site is an appropriate location for such a use.
Both properties will continue to be used as single family residences. He would like to just square off the lots.
7. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
The transfer of the rear portion will not be detrimental or adversely affect the character of the neighborhood. This will eliminate the pork chop effect of the lots.
8. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
He has the appropriate frontage on both lots.
9. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
The applicant has submitted a new plan with the correct footage on both lots.
10. That the public convenience and welfare will be substantially served with the proposal.
It serves the neighborhood to have the lots squared off.

Condition:

This is to only square off the lots and they will not be subdivided in the future.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

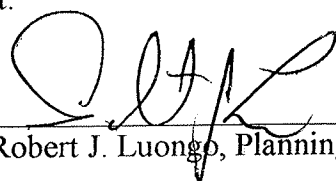
BOARD OF APPEALS

September 30, 2016

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 John P. Hylan, 53 Barnes Avenue, Weymouth, MA 02190, affecting the rights of the owner with respect to land or buildings at 41 Barnes Avenue, also shown on the Weymouth Town Atlas Sheet 55, Block 611, Lot 14, 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 # 3301

Date of Hearing: 9/7/2016