

***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**

June 29, 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 May 13, 2020 on APPLICATION OF: Patrick McLaughlin, Case # 3410.

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
71 BEALS STREET**

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

2020 JUN -9 AM 11: 41

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

Owner:	Patrick & Michelle McLaughlin	Date:	June 9, 2020
Address:	71 Beals St. Weymouth, MA 02191		
Applicant:	Patrick McLaughlin	Case #:	3410
Address:	71 Beals St. Weymouth, MA 02191		
Representative:	Ryan Patterson 35 Batchelder St. Boston, MA 02119	Site Address:	71 BEALS STREET 10
		Sheet:	126
		Block:	15
		Lot:	
Filing Date:	02/26/2020		
Hearing Date:	05/13/2020		
Advertised:	03/8/2020 & 03/25/2020		

Zoning District: R-1

At a public hearing on 05/13/2020 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Weymouth Zoning Ordinance Section 120-81 Earth removal permit required* to break and remove existing ledge. This is per a plan entitled Existing and Proposed Conditions Plan with revision date 5/11/2020.

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.
2. The proposed use or 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. *Refer to Memo from Weymouth DPW/Engineering dated 05/08/2020 for required safety measures.*
4. There are adequate and appropriate facilities, utilities 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. *The backyard of the home will become more usable for the family living in the home and will likely create additional value for the home.*

CONDITIONS:

(The first 6 Conditions come verbatim from a Memo from Weymouth DPW/Engineering and dated 05/08/2020. Each were read into the record at the time approval was granted.)

1. A plan stamped by a licensed professional engineer should be provided.
2. Based on topographic information shown on the Town of Weymouth Drain Atlas, stormwater runoff from the project site drained towards the southwest onto abutting residential property and Beals Street prior to being altered. The proposed grading shown on the plan will redirect a significant portion of the stormwater runoff from the project site onto Beals Street and away from the abutting properties.
3. Shallow depth to ledge was a site characteristic that existed prior to altering the site and is a characteristic that will remain under proposed conditions. A site that consists of shallow ledge generally will produce higher volumes of runoff during storm events due to the limited infiltration capacity or the amount of rainwater that can enter a soil during a given timeframe. It is the Engineering Division's opinion that the proposed site improvements will provide little to no benefit with respect to reducing the volume of stormwater runoff from the project site. The installation of an infiltration system for the purpose of reducing runoff volume is not possible due to the shallow depth of ledge.
4. The proposed grading shown on the plan will reduce or "flatten" out the average slope across the project site. It is the Engineering Division's opinion that the proposed change in slope will increase the time it takes water to flow off the project site, resulting in a reduced rate of runoff. Due to the size of the site the reduction is difficult to calculate or quantify, but any reduction in runoff rates is desirable.
5. The proposed ledge removal will result in vertical faces of ledge, some greater than 10 feet in height. A suitable barrier along the top of bank should be provided to prevent injuries to people or animals. An existing fence is shown on the plan, but additional information (height, condition and ownership) is needed to determine if the fence is suitable for proposed conditions.
6. The location and a detail of the proposed erosion controls should be shown on the plan. To prevent the flow of sediment-laden stormwater runoff onto abutting property or Beals Street, erosion controls will need to remain in place and be maintained until the lawn becomes well established.

7. Any additional fence work required to satisfy #5 above will be at the expense of the applicant.
8. A pre and post survey of the property located at 61 Beals Street shall be performed via an independent survey company and at the expense of the applicant. 8 AM to 6 PM
9. The hours of heavy equipment use will be limited to Monday through Saturday from 8 AM to 6 PM. No work will be performed on Sunday.

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 June 9, 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 J. Luongo, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

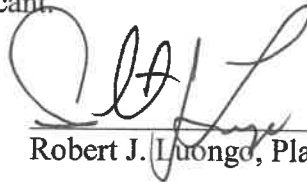
BOARD OF APPEALS

June 9, 2020

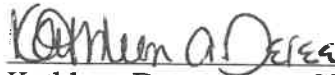
Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Patrick McLaughlin, 71 Beals Street, Weymouth, MA 02191, affecting the rights of the owner with respect to land or buildings at 71 BEALS STREET also shown on the Weymouth Town Atlas Sheet 10, Block 126, Lots 15, 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 # 3410

Date of Hearing: 05/13/2020