

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
138 FORT POINT ROAD**

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

Owner:	Gregg Correia	Date:	October 27, 2017
Address:	138 Fort Point Road Weymouth, MA 02191		
Applicant:	Gregg Correia	Case #:	3343
Address:	138 Fort Point Road Weymouth, MA 02191		
Representative:	N/A	Site Address:	138 Fort Point Road
		Sheet:	2
		Block:	6
		Lot:	33

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
OCT 27 PM 12:28

Zoning District: R-1

Board of Zoning Appeals application filed on October 13, 2017.

After a public hearing opened on October 18, 2017, advertised in the Weymouth News on October 4, and October 11, 2017, the Board of Zoning Appeals at its meeting of October 18, 2017

VOTED TO GRANT A SPECIAL PERMIT from the Weymouth Zoning Ordinance 120-40, Extension or Change to a Non-Conforming Lot; granting relief to allowing the adjustment in the property boundary between 138 Fort Point Road and 140 Fort Point Road per "Plan of Land in Weymouth, MA" dated May 22, 2008, recorded at the Norfolk County Registry of Deeds, Book 26012, Page 496 on August 29, 2008.

FINDINGS: The two property owners had entered into a Boundary Line Agreement in 2008. The agreement was signed and properly recorded with the Norfolk County Registry of Deeds. Because both lots are nonconforming due to their size, relief from the Board of Zoning appeals is required to fully legitimize the agreement. The Board found that:

1. The specific site is an appropriate location for such a use. *No physical change is being made. The lot line is being adjusted to reflect the historical location of both dwellings.*
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *There will be no change to the existing character of the neighborhood. The smaller lot will be increasing in size.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.

5. The public convenience and welfare will be substantially served with the proposal. *The lot line adjustment will legitimize a Lot Line Agreement that has been signed and on file at the Norfolk County Registry of Deeds since 2008.*

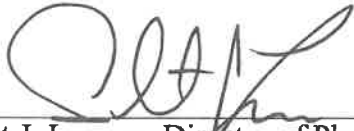
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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 October 27, 2017

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

October 27, 2017

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 Gregg Correia, 138 Fort Point Road, Weymouth, MA 02191, affecting the rights of the owner with respect to land or buildings at 138 Fort Point Road, Weymouth, MA 02191 also shown on the Weymouth Town Atlas Sheet 2, Block 6, Lot 33, 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 # 3343

Date of Hearing: 10/18/2017