

*Town of Weymouth
Massachusetts*

Kathleen A. Deree
Town Clerk

Town Clerk's Department
781-340-5017
781-682-6129 (FAX)



Susan M. Kay
Mayor

75 Middle Street
Weymouth, MA 02189

October 15, 2015

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 September 2, 2015 on APPLICATION OF: Nancy Banatt, Case # 3259.

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 ON SPECIAL PERMIT REQUEST
17 CLEMATIS AVENUE**

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

Owner: Nancy Banatt **Date:** September 25, 2015
Address: 17 Clematis Avenue
Weymouth, MA 02188

Applicant: Nancy Banatt **Case #:** 3259
Address: 17 Clematis Avenue
Weymouth, MA 02188

Representative: N/A

Site Address: 17 Clematis Ave
Sheet: 9
Block: 139
Lot: 17

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2015 SEP 25 AM 9:10

Zoning District: R-1 (Low Density Residential)

Board of Zoning Appeals application filed on July 23, 2015.

After a public hearing on September 2, 2015, and advertised in the Weymouth News on August 19, 2015 and August 26, 2015, the Board of Zoning Appeals at its meeting of September 2, 2015:

VOTED TO GRANT A SPECIAL PERMIT under Weymouth Zoning Ordinance Article XV Section 120-54 requiring confinement of accessory uses to rear yard permitting the applicant to install a swimming pool within the side yard adhering to all setback regulations of the R-1 district.

CONDITIONS:

1. Applicant will submit an updated plan which shows the pool equipment enclosure moved closer to applicant's home and away from the rear property line prior to issuance of Building Permit.
2. Per Police Department comment, Clematis Avenue will not be blocked during construction.

SPECIAL PERMIT FINDINGS:

The Board found that:

1. The specific site is an appropriate location for such a use.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town.
3. There will be no nuisance or serious hazard to vehicles or pedestrians
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The public convenience and welfare will be substantially served.

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 25, 2015

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.



James Clarke, Director of Planning and Community Development

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, September 2, 2015

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

Also Present: Jim Clarke, Director of Planning
Eric Schneider, Principal Planner
Jeffrey Richards, Building Inspector
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:06 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Case # 3259– The petitioner, Nancy Banatt, for property located at 17 Clematis Avenue, also shown on the Weymouth Town Atlas Sheet 9, Block 139, Lot 17, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Relief of Article XV, Section 120.54 (Confinement of accessory uses to rear yard.)

Presently located on the premises is a single family home. The petitioner is proposing to install a 17'x 34' inground swimming pool, surrounded by a concrete patio within the side yard setbacks.

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

Ed Foley made a motion to open the public hearing on Case # 3259 and was seconded by Jonathan Moriarty. Voted unanimously

Ed Foley made a motion to waive the reading of the publication and was seconded by Jonathan Moriarty. Voted unanimously

Appearing before the board was Nancy Bannat, 17 Clematis Avenue stated they are trying to put a pool in the side yard instead of the back yard. The back yard has two large maple trees and landscaping and a deck. It would cost about \$10-15,000 to remove and that would cause a hardship on her.

Eric Schneider stated that an abutter Paul and James Doherty has a concern about the location and noise of the pump and water draining onto his lot which is a lower lot.

It was determined that the pool equipment will be moved next to her house instead. A new plan will be submitted to the Planning Department.

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

Ed Foley made a motion to close the public hearing on Case # 3259 and was seconded by Jonathan Moriarty. Voted unanimously

Ed Foley made a motion to approve the Special Permit under Section 120-122D

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.

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.

The applicant stated she would move the pool equipment next to her house.

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.

This motion was seconded by Jonathan Moriarty and voted unanimously.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

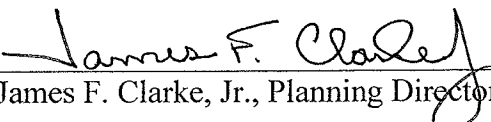
BOARD OF APPEALS

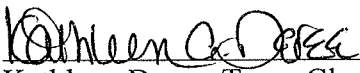
September 25, 2015

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 Nancy Banatt, 17 Clematis Avenue, Weymouth, MA 02189 affecting the rights of the owner with respect to land or buildings at 17 Clematis Avenue, also shown on the Weymouth Town Atlas Sheet 9, Block 139, Lot 17, 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.


James F. Clarke, Jr., Planning Director


Kathleen Deree, Town Clerk

Case # 3259

Date of Hearing: 9/2/2015