

TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT
22-24 DREW AVENUE

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

Owner:	Tony Yu, Trustee	Date:	August 26, 2016
Address:	Key Investments 288 Grove Street #353 Braintree, MA 02184		
Applicant:	Tony Yu, Trustee	Case #:	3289
Address:	Key Investments 288 Grove Street #353 Braintree, MA 02184		
Representative:	N/A	Site Address:	22 Drew Avenue
		Sheet:	19
		Block:	250
		Lot:	8

Zoning District: R-1

Board of Zoning Appeals application filed on April 29, 2016.

After a public hearing on June 22, 2016, continued to July 27, 2016, advertised in the Weymouth News on June 8 and June 15, 2016, the Board of Zoning Appeals at its meeting of July 27, 2016

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Section 120-40, Extension or change of an existing non-conforming use or structure, to grant relief for the petitioner to continue 2-family status in an R-1 zone and to construct a ~24' x ~40' second floor addition on the rear of the existing 2-family dwelling

SPECIAL PERMIT FINDINGS:

1. The specific site is an appropriate location for such a use. *The home is located within an existing residential neighborhood.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The home is architecturally in keeping with the neighborhood and has previously been a two-family home.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *Parking will be off-street and limited to the left side of the building.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The addition will not increase the demand on public facilities.*
5. That the public convenience and welfare will be substantially served with the proposal. *The house has been vacant and in disrepair. Its rehabilitation will be beneficial to the neighborhood.*

CONDITIONS:

1. Construction dumpsters and all debris will be removed from the site prior to the issuance of Occupancy Permits.
2. Parking will be off-street and limited to the driveway located to the left of the building.

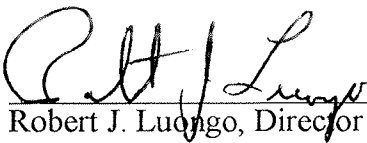
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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 August 26, 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, June 22, 2016

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

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 7:06 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Case #3289 – The petitioner, Tony Yu, for property located at **22 Drew Avenue**, also shown on the Weymouth Town Atlas sheet 19, block 250, lot 8, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-40 Extension or change of non-conforming use or structure

Presently located on an 8,478 SF lot is an existing two-family dwelling. The petitioner seeks to extend the first floor foundation ~10' and construct a 24.3' x 40.5' second floor addition.

Sitting Members: Richard McLeod
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brad Vinton

Eric Schneider stated that the applicant has requested a continuance to July 27, 2016.

Jonathan Moriarty made a motion to continue Case #3289 to July 27, 2016 and was seconded by Kemal Denizkurt.

VOTED UNANIMOUSLY

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, July 27, 2016

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

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 7:06 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Case #3289 – The petitioner, Tony Yu, for property located at **22 Drew Avenue**, also shown on the Weymouth Town Atlas sheet 19, block 250, lot 8, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-40 Extension or change of non-conforming use or structure

Presently located on an 8,478 SF lot is an existing two-family dwelling. The petitioner seeks to extend the first floor foundation ~10' and construct a 24.3' x 40.5' second floor addition.

Sitting Members: Richard McLeod
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brad Vinton

Jonathan Moriarty made a motion to open the public hearing on Case #3289 and was seconded by Chuck Golden.
VOTED UNANIMOUSLY

Jonathan Moriarty made a motion to waive the reading of the publication on Case # 3289 and was seconded by Chuck Golden.
VOTED UNANIMOUSLY

Appearing before the board was Tony Yu, trustee of the property who owns the existing two-family house in an R-1 Zone. He would like to extend the side of it.

Kemal Denizkurt asked about the 10 foot addition. Mr. Yu stated it will be an extension of the current kitchen and the second level will enlarge the bedroom upstairs. There will be 3 bedrooms in each unit.

Eric Schneider said this has been a troubled property for the neighborhood and this would be an improvement.

Public Comment:

Michael Perriello, 34 Drew Avenue – Stated it has been an eye sore for years. There was an oil spill there and the property still smells of oil and wants to make sure it was cleaned up correctly.

The applicant said on 3/23/2016 when they began renovations, there was vandalism and it has been cleaned by DEP, CEC and LSP to oversee the clean-up.

Eric Schneider confirmed it was properly mitigated and released by DEP.

There is a 15 yard dumpster that we has not been removed due to a weight issue as it is filled with dirt and is now on its side and stuck. They removed most of the soil and the company still will not come and remove it as they claim their truck cannot drag it out.

Michael Perriello asked about the second floor with 3 bedrooms. Where will all the cars park. All cars will be parked in the driveway for both units on the left side of the house and not on the road.

Kemal Denizkurt clarified that you are not adding any additional bedrooms, you presently have 3 bedrooms and are going to only expand them to make them larger and there will still be 3 bedrooms.

Michael Perriello said it is not currently 2 (3) bedroom units therefore you are expanding the living space. Bob Luongo said the requirement is 2 parking spaces for each unit regardless of the number of bedrooms.

Eric Schneider asked what the plans are for the property? The applicant stated he will be renting it.

Jonathan Moriarty asked what the field card says as far as number of bedrooms. Eric did not know off hand, it would likely say 2-4 or 4-8 bedrooms as the cards are not specific.

There is a revised plan dated July 20, 2016 which is what the board is going by.

Jonathan Moriarty asked what year the house was built. The applicant did not know.

Jonathan Moriarty made a motion to close the public hearing on Case # 3289 and was seconded by Chuck Golden.

Voted 5-0

Jonathan Moriarty made a motion to approve the special permit for Case # 3289 and was seconded by Chuck Golden.

Voted 5-0

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.
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.

Added conditions

1. Before permit is issued the dumpster will be removed.
2. All parking will be off street to the left side of the building on paved lot.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

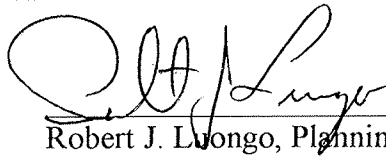
BOARD OF APPEALS

August 26, 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 Tony Yu, Trustee for Key Investments, 288 Grove Street #353, Braintree, MA 02184, affecting the rights of the owner with respect to land or buildings at 22 Drew Avenue, also shown on the Weymouth Town Atlas Sheet 19, Block 250, Lot 8, 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 # 3289

Date of Hearing: 6/22/2016, 7/27/2016