

***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**

October 5, 2022

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 7, 2022 on APPLICATION OF: Frank & Peggy Mullaney, Case # 3486.

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  
38 DRIFTWAY**

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

<b>Owner:</b>	Frank J & Peggy L Mullaney	<b>Date:</b>	September 14, 2022
<b>Address:</b>	38 Driftway Weymouth, MA 02191		
<b>Applicant:</b>	Frank J Mullaney	<b>Case #:</b>	3486
<b>Address:</b>	38 Driftway Weymouth, MA 02191		
<b>Representative:</b>	Gregory Galvin 775 Pleasant St. Unit 16 Weymouth, MA 02189	<b>Site Address:</b>	38 Driftway
		<b>Sheet:</b>	3
		<b>Block:</b>	2
		<b>Lot:</b>	10
<b>Filing Date:</b>	7/29/2022		
<b>Hearing Date:</b>	09/07/2022		
<b>Advertised:</b>	8/24/2022 & 8/31/2022		

**Zoning District: R-1**

At a public hearing on 09/07/2022 the Board of Zoning Appeals;

**VOTED 5-0 TO APPROVE A SPECIAL PERMIT** under *Weymouth Zoning Ordinance sections 120.40 - Extension or Change by Special Permit and 120-41 to demolish an existing home at 38 Driftway and to rebuild a new single-family home within the same footprint.*

The decision of the Board is based on a plan set titled *Mullaney Residence* dated 7/20/22 prepared by Mass Architect – Nicholas Paglucci and a stamped survey prepared by Hoyt Land Surveying dated 09/07/22.

**FINDINGS:**

This is a resubmittal of Case #3447 which had previously been denied by the Board. On July 19, 2022 the Weymouth Planning Board reviewed the resubmitted plans and found that they represented a substantial change from the previously considered plan and voted unanimously to allow the application to resubmit to the Board of Zoning Appeals within the prescribed two-year waiting period.

Notice of the new application was published in the Patriot Ledger as required and abutters were notified of the hearing via US Mail.

The Board of Zoning Appeals found that the new proposal depicting the new home within the original footprint resolved previously voiced opposition to the expansion of the nonconforming home.

## GENERAL FINDINGS

The Board noted the following in its Decision.

1. The specific site is an appropriate location for such a use. *The proposed reconstructed single-family home is in the R-1 residential district.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The new home is in keeping with the scale and character of the surrounding neighborhood. The new home will be within the footprint of the existing home that is to be torn down.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The project provides two off-street parking spaces.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *All work will be done in conformance with Town of Weymouth Building Code and under the supervision of the Department of Public Works.*
5. That the public convenience and welfare will be substantially served with the proposal.

Decision filed with the Town Clerk on September 14, 2022

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

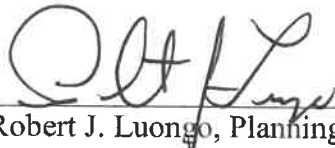
BOARD OF APPEALS

September 14, 202

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 Frank J Mullaney, 38 Driftway, Weymouth, MA 02191, affecting the rights of the owner with respect to land or buildings at 38 Driftway also shown on the Weymouth Town Atlas Sheet 3, Block 2, Lots 10, 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 # 3486

Date of Hearing: 09/07/2022