

***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**

August 3, 2023

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 July 12, 2023 on APPLICATION OF: Clear Lake LLC, Darragh Kealey, Case # 3507.

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

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2023 JUL 13 PM 1:13

TOWN OF WEYMOUTH, MASSACHUSETTS

BOARD OF ZONING APPEALS

NOTICE OF DECISION

450 GREEN STREET

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

Owner:	Paul Zona	Date:	July 13, 2023
Address:	450 Green St. Weymouth, MA 02191		
Applicant:	Clear Lake LLC, Darragh Kealey	Case #:	3507
Address:	407 Union St. Braintree, MA 02184		
Representative:	Lawrence P. Mayo 80 Washington St., Unit C20 Norwell, MA 02061	Site Address:	450 Green Street
		Sheet:	13
		Block:	121
		Lot:	16
Hearing Date:	6/14/2023 7/12/2023		
Filing Date:	5/5/2023		
Advertised:	5/31/2023 & 6/7/2023		

Zoning District: R-1

At a public hearing on 7/12/2023 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Weymouth Zoning Ordinance Sections 120-39 (Continuation of nonconforming use)* to allow Clear Lake, LLC (Owner of the Property) to operate a utility construction business known as "Kealey Excavation Corporation", herein after said corporation, including its successors and/or assigns, referred to as the "Business", at the Property. The Business shall be allowed to use the storage yard as is consistent with a construction storage yard and vehicle dispatch yard by storing various construction vehicles and equipment for the Business, such as dump trucks, front-end loaders, trailers, compressors, backhoes and excavators, snowplows and the storage of construction materials such as steel road plate, pipe, granite curb, and concrete block. The Business shall be allowed to wash, perform maintenance and repair of the vehicles and equipment.

SPECIAL PERMIT 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. *Recent litigation has concluded that the proposed use is a protected nonconforming use and can therefore continue to operate under new ownership.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The Town worked with the applicant and the neighborhood to condition the approval so as to minimize the disruption to the neighborhood. The approved use is certainly less detrimental than the previous use.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The owner proposes upgrades to the gating system and will work with the neighborhood to improve site lines at key intersections.*
4. There are adequate and appropriate facilities, utilities, and other public services provided for the proper operation of the proposed use. *The general use is not changing.*
5. That the public convenience and welfare will be substantially served with the proposal. *This approval represents a significant reduction in the number of businesses operating on the property and, through conditions, the intensity of daily activity.*

CONDITIONS:

1. No retail sales or services will be conducted on-site.
2. The hours of operation shall be 5:30 AM to 7:00 PM Monday through Saturday with Sundays being optional for preparation for Monday's construction work and periodic equipment maintenance. Trucks and other vehicles will be started no earlier than 5:45 AM and will not leave the site prior to 6:00 AM. The conditions set forth in this paragraph 2 shall not apply in case of emergency or snow removal.
3. There shall be no open lot storage of residential landscape materials and supplies. A one (1) day supply of crushed stone and clean gravel for emergency or next-day use by the Business may be kept on-site.
4. No residential uses are permitted on the site. Limited office use is permitted as previously approved by Special Permit under BZA Case #3065.
5. Within one year of occupancy, the owner agrees to install an electronic rolling gate at the Green Street entrance to the lot. The gate shall be closed at all times when the Business is not operating from the storage yard.
6. Owner agrees to remove existing hedges that obstruct the sight lines of vehicles exiting Thompson Road onto Green Street.
7. The owner agrees to work in good faith with the neighborhood to increase the buffer along Thompson Road as well as the shared property line with 15 Thompson Road. Solutions may include the installation of a higher fence and/or the planting of arborvitae.
8. The owner agrees to have trucks back into the lot at the end of the day to minimize warning beeps in the morning.

9. The Owner of the property shall be allowed to lease/rent two of the three garage bays to no more than two (2) other similar type construction contractors subject to the same conditions set forth herein. The other contractors shall be limited to a total of no more than six (6) additional vehicles to be stored on-site.
10. Any and all maintenance shall be conducted inside one of the three interior bays, if practicable.
11. The Owner shall not permit vehicles not owned by the Business or his lessee(s) to be stored in the storage yard.
12. The owner will ensure that any existing lighting on the property is directed onto the 450 Green Street property and away from abutting homes. Similarly, if the owner deems that additional lighting is necessary, said lighting will be focused on the subject property.
13. Any future expansion of the commercial uses on the property would require approval by the Zoning Board of Appeals.
14. One dumpster will be shared by the business(s) operating at the site. The dumpster will be emptied no more than once per week, and after 9AM. The dumpster will be located in the interior of the site to minimize impact on the abutters.

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 **July 13, 2023**

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. Luong, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

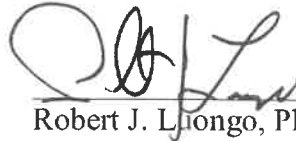
BOARD OF APPEALS

July 13, 2023

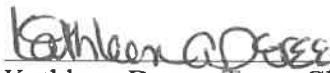
Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Clear Lake LLC, Darragh Kealey, 407 Union St., Braintree, MA 02184, affecting the rights of the owner with respect to land or buildings at 450 Green Street also shown on the Weymouth Town Atlas Sheet 13, Block 121, Lot 16, 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. Liongo, Planning Director



Kathleen Deree, Town Clerk

Case # 3507

Date of Hearing: 7/12/2023