

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION SPECIAL PERMIT
38 GREENWOOD AVENUE**

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

Owner:	TAD Assoc. c/o Donald Mullaney	Date:	July 29, 2015
Address:	38 Greenwood Avenue Weymouth, MA 02188		
Applicant:	Aldon Electric, Inc.	Case #:	3255
Address:	c/o Donald Mullaney 38 Greenwood Avenue Weymouth, MA 02188		
Representative:	Gregory Tansey Patriot Permitting 9 Barstow Lane, Rockland, MA	Site Address:	38 Greenwood Ave
		Sheet:	25
		Block:	335
		Lot:	5

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2015 JUL 29 AM 10:50

Zoning District: R-1 (Residence, Low Density / Single-Family)

Board of Zoning Appeals application filed on April 27, 2015

After a public hearing on June 17, 2015, closed and continued for deliberation to July 8, 2015, advertised in the Weymouth News on June 3, 2015, and June 10, 2015, the Board of Zoning Appeals at its meeting of July 8, 2015:

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Article XIII, Section 120-40 Extension of an existing non-conforming use or structure, to construct a new ~1080 SF two-story building in the rear of the property to replace several existing storage trailers. The property is currently being used as an electrical contractor's yard with an existing ~3244 SF building. Per the approved plans and conditions as noted below:

1. Hoyt Land Surveying, "Plan of Land 38 Greenwood Ave., Weymouth, MA"; 11/4/2014

CONDITIONS

1. Must remove all storage containers on the site.
2. Must install a swing gate accessing the premises within 3 months after completion of the building.

SPECIAL PERMIT FINDINGS

The Board found that 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.
There is a modest expansion of the use and has been existing since 1995, similar commercial use since 1950

2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
In an R-1 zone but in operation since the 1950's. Open lot storage will be reduced.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
This will help alleviate some hazardous concerns and the applicant has taken precautions to protect pedestrians on the property.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
Property is already serviced by those.
5. That the public convenience and welfare will be substantially served with the proposal.
The lot will be cleaned up and look better to 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, 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 July 29, 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

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, June 17, 2015**

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brandon Diem

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

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:05 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Case # 3255– The petitioner, Aldon Electric, Inc., for property located at 38 Greenwood Avenue, also shown on the Weymouth Town Atlas Sheet 25, Block 335, Lot 5, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Article XIII Section 120-40 Extension of an existing non-conforming use or structure

The property is currently being used as an electrical contractor's yard with an existing ~3244 SF building. The petitioner seeks to construct a new ~1080 SF two-story building in the rear of the property to replace several existing storage trailers.

Sitting Members: Richard McLeod
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brandon Diem

Jonathan Moriarty made a motion to open the public hearing on Case # 3255 and was seconded by Kemal Denizkurt. Voted unanimously

Jonathan Moriarty made a motion to waive the reading of the legal notice on Case # 3255 and was seconded by Kemal Denizkurt. Voted unanimously

Appearing before the board was Greg Kianti, representing Donald Mullaney of Aldon Electric, owner and applicant. Proposing to construct a 45x24 foot cold storage building. They won't be changing the existing building but will eliminate the storage units that are on site.

Kemal Denizkurt asked if there will be any utilities to the new structure and it was stated electricity only. It will be dry storage such as fixtures, solar panels etc. to keep them out of the elements. Nothing hazardous will be in the building.

The storage units on site are temporary and will be phased out. The existing building is office on the front floor and a shop on the lower level, they eliminated the loading dock in

the front of the building. He will be removing some trees in the front, adding fill and creating more curb appeal with a fence.

Jonathan Moriarty stated he is glad the loading ramp in the front has been removed and appreciated the updating that has been done. The containers were always temporary. There is always a lot of staging going on depending on the projects that they have. They grade the site every two years.

It was asked if there will there be a system for all the pallets? It was stated that they found a company in Fall River that recycles them. Nobody wants pallets and they try to manage them the best they can. It is a priority to keep the place clean.

Jonathan Moriarty stated that the yard is not locked up and there is a potential hazard. There are ladders around not secured and he is hoping they will be stored in the new building. Eventually the applicant would like to get a swing gate in there to be able to lock it up in the evenings.

If there is heat and water Jonathan Moriarty would have a concern because there is a second floor. The applicant stated that it is strictly cold storage as he is not adding bathrooms to the building.

Eric Schneider reviewed the staff comments with the board. There were comments from Conservation and the Health Department. They would like screening of the fill at the excavation area.

Brandon Diem asked if there would be a second floor and the applicant stated that he is not sure yet, the application shows a photo of a second floor but the wording says one floor. It is a storage building only. The footprint of the building is correct but they have decided they may eliminate the second floor and make the first floor with a very tall ceiling for a storage. A final set of plans will be submitted.

Public Comments:

Bob Thomas, Washington Street asked if there is a possibility that there may be some endangered species abutting the site. Conservation Commission has looked at this and they were satisfied with it.

Jonathan Moriarty made a motion to close the public hearing on Case # 3255 and was seconded by Kemal Denizkurt. Voted unanimously

Jonathan Moriarty made a motion to take Case #3255 under advisement and was seconded by Chuck Golden. Voted unanimously

Case # 3255 – July 8, 2015 - For Deliberation – 38 Greenwood Avenue – Public Hearing Closed 6/17/15; sitting members McLeod, Diem, Denizkurt, Golden, Moriarty

The petitioner, Aldon Electric, Inc., for property located at 38 Greenwood Avenue, also shown on the Weymouth Town Atlas Sheet 25, Block 335, Lot 5, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Article XIII Section 120-40 Extension of an existing non-conforming use or structure

The property is currently being used as an electrical contractor's yard with an existing ~3244 SF building. The petitioner seeks to construct a new ~1080 SF two-story building in the rear of the property to replace several existing storage trailers.

Sitting Members: Richard McLeod
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brandon Diem

Deliberation:

Jim Clarke stated there will not be a second floor on this and it will be a gable roof.

Jonathan Moriarty stated his only concern is the mess that is in the yard.

Kemal Denizkurt made a motion to approve a Special Permit on Case # 3255 as plans submitted on 11/4/2014 with the following conditions:

1. Must remove all storage containers on site.
2. To install a swing gate accessing the premises within 3 months after completion of the building.

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.
There is a modest expansion of the use and has been existing since 1995, similar commercial use since 1950.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
In an R-1 zone but in operation since 1950's. Open lot storage will be reduced.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
This will help alleviate some hazardous concerns and he has taken precautions to protect pedestrians on the property.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
Property is already serviced by those.
5. That the public convenience and welfare will be substantially served with the proposal.
The lot will be cleaned up and look better to the abutters.

Jonathan Moriarty seconded.

Voted unanimously

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

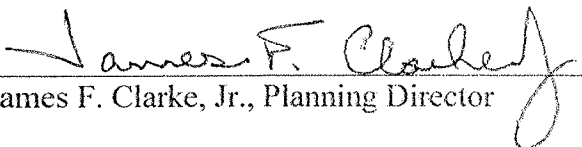
BOARD OF APPEALS

July 29, 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 Aldon Electric, Inc., c/o Donald Mullaney, 38 Greenwood Avenue, Weymouth, MA 02188, affecting the rights of the owner with respect to land or buildings at 38 Greenwood Avenue, also shown on the Weymouth Town Atlas Sheet 25, Block 335, Lot 5, 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 # 3255

Date of Hearing: 6/17/15, 7/8/15