

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION**

TO BE COMPLETED BY STAFF

Case Number: _____

Town Clerk Stamp

Submittal Accepted: _____ Date _____
Signature of Planning Dept. Staff for minimal requirements

Determined to be complete and may now be filed with Town Clerk: _____
Signature of Principal Planner or Director

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: ☐ 81R Hawethorne Street

Assessor's Map Sheet, Block, & Lot: 316-2 & 316-58

Zoning District: R1 Overlay District: N/A

OWNER OF RECORD (S) (print & sign): Lester R. Fulton & Sons, Inc
(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: 81-R Hawethorn Street, Weymouth, MA 02189

Norfolk County Registry of Deeds Book and Page No. Book 5956 Page 164

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Lester R. Fulton & Sons, Inc

Applicant's Address: rfulton@gmail.com

Contact Information: Email _____ Phone _____

Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐

NAME & AFFILIATION OF REPRESENTATIVE: Raymond D. Jennings, III

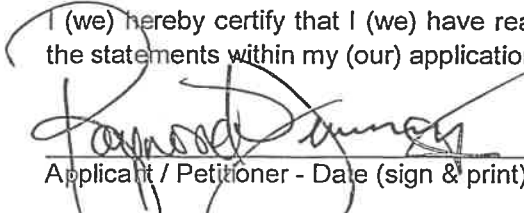
Address: 775 Pleasant Street, Suite 7, Weymouth, MA 02189

Contact Information: Email rayjennings@jenningsfishman.com Phone 781-718-8449

NAME OF ENGINEER AND / OR ARCHITECT: Green Seal Environmental / DM Williams

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.


Applicant / Petitioner - Date (sign & print)

7/28/2021

NATURE OF REQUEST

Application is for: ☒ Special Permit ☒ Variance Other: _____

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

120-40 Extension or change of pre-existing non-conforming use by special permit
Variance for frontage

The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the benefit of plan to accurately advertise the application before the Board.

PETITIONER'S DESCRIPTION AND NARRATIVE:

To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

The subject parcel is a 2.4 acre lot with an existing 2900 square foot carpentry shop within an R1 district that has been in continuously in operation since the 1950's. The petition seeks to add a residential use and maintain the shop as an appurtenant use. This Board previously granted the relief in July 2019, Case 3389 which has since expired.

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

The applicant seeks to extend the non-conforming use by adding a residential use, a single family home and maintain the carpentry shop as an appurtenant use

3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).

See Article 120-40 extension or change by special permit

4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).

See Notice of Decision dated July 29, 2019. Case file 3389

5. Any other additional information as relevant to the Variance or Special Permit:

See previous Application, dated 5/28/2019, attached with environmental reports and renderings

ZONING COMPUTATION WORKSHEET

(To be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

Data	Required	Existing	Proposed
Use			
Lot Area / Size (Sq. Ft.)			
Dwelling Units			
Frontage (ft.)	75 feet	30.1	30.1
Lot Width (ft.)			
Front Yard Setback (ft.)			
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)			
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)			
Height (ft.) & # of Stories			
Lot Coverage			
Off-Street Parking Spaces			
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
Signage			
Other:			

SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit *only* if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit *only* if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.

Yes. This is an R-1 zone. The site is appropriate as the is seeking to build a single family home in a residential zone.

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

No. The proposed single family residential use us the least detrimental of potential uses and is consistent with the surrounding neighborhood.

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

No. The setbacks are well in excess of minimum requirements. There are no nusances or serius hazards to vehicles or podestrians accocaiated with the proposed use.

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

Sewer tie-in is anticipated with permitting.

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

This is a large parcel of largely undeveloped land, the applicant is proposing the most benign use possible consistent with the character of the existing neighborhood.

SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS

Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use

(Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

EXTENSION OR CHANGE FINDINGS OF FACT:

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):

The existing 2900 structure is used as a carpentry shop, within the R1 zone.

2. Indicate how long the nonconforming aspects of the structure have been in existence:

The 1950's

3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.

Existing use was granted by special permit in 1955

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

The extension seeks to add the R-1 use to the permitted light industrial use.

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

12+. The paved area will be extended to include driveway access to the proposed dwelling with proposed two car garage. No new parking is being added

6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

The residential use is the least detrimental use and the lot is large enough to accomodate both uses

VARIANCE APPLICATION

To be completed for Variance applications only.

VARIANCE FINDINGS OF FACT:

Criteria for approval. The Board may approve any such application for a Variance *only* if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.
The 2.4 acre lot in an R-1 zone would be unable to be developed for residential use without the requested variance, with or without the ancillary use
2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.
This is a unique 2.4 acre lot within a residential neighborhood, the lot contains a vernal pool, marsh area and wetland within an R-1 zone. The applicant will be unable to utilize the zoned R-1 use without the requested relief
3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.
The requested variance will enable the applicant to utilize the parcel for its intended R-1 use.
4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.
The frontage variance requested is the minimum necessary to permit driveway access to the parcel.

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

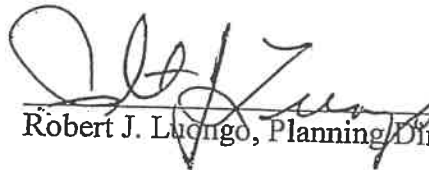
BOARD OF APPEALS

July 29, 2019

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 Lester R. Fulton & Sons Inc., 81R Hawthorne Street, Weymouth, MA 02189, affecting the rights of the owner with respect to land or buildings at 81R HAWTHORNE RD, also shown on the Weymouth Town Atlas Sheet 23, Block 316, Lots 2 & 58, 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. Lucingo, Planning Director

Kathleen Deree, Town Clerk

Case # 3389

Date of Hearing: 06/26/2019

TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
81R HAWTHORNE RD

2019 JUL 29 AM 11:36

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

Owner:	Lester R. Fulton & Sons Inc. 81R Hawthorne Street Weymouth, MA 02189	Date:	July 29, 2019
Applicant:	Lester R. Fulton & Sons Inc. 81R Hawthorne Street Weymouth, MA 02189	Case #:	3389
Representative:	Raymond D. Jennings III 775 Pleasant Street, Suite 7 Weymouth, MA 02189	Site Address:	81R HAWTHORNE RD
		Sheet:	23
		Block:	316
		Lot:	2 & 58
Filing Date:	5/22/2019		
Hearing Date:	06/26/2019		
Advertised:	06/12/2019 & 06/19/2019		

Zoning District: R-1

At a public hearing on 06/26/2019 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Weymouth Zoning Ordinance 120-40* as per draft concept plans by D.M. Williams Design dated 05/17/2019.

FINDINGS:

The Board found that allowing a new single family home to be built on the 2.4 acre lot while maintaining the existing carpentry shop as an accessory use would not be detrimental to the neighborhood and 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. *This is a large lot, zoned for residential use and abutting other single family homes.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The preexisting carpentry shop has been in existence and use since the 1950s without nuisance to the neighborhood.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The only additional traffic generated by the proposal will be from the new single family home. The Board added conditions (below) to the approval to further ensure the safety of residences.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The project requires approval from the*

- Weymouth Conservation Commission given its proximity to wetlands and a potential vernal pool. The extension of utilities will be per DPW standards.*
5. That the public convenience and welfare will be substantially served with the proposal. *The project will create a new single family home in the Town. The Board received several letters of support from direct abutters.*

VOTED UNANIMOUSLY TO GRANT A VARIANCE under *Weymouth Zoning Ordinance 120-56 Frontage Width* finding that the lot was created at a time prior to the modern 40' frontage requirement. Additionally, the lot is burdened with significant wetlands and a potential vernal pool limiting reconfiguration options. Given those hardships, the Board deemed the 30' frontage to be adequate.

CONDITIONS:

1. Hours of operation to be limited to 7:30 AM to 4:00 PM
2. A dumpster is not included in this approval. Should the end user of the commercial building require a dumpster, a separate BZA approval is required.
3. The commercial building is currently used as a small scale carpentry shop. Any escalation in this use, as determined by the Director of Planning and Community Development and the Inspector of Buildings, will require a public hearing and modification of this Special Permit.
4. Outdoor storage of building materials is prohibited.
5. All carpentry work associated with the commercial building will be confined to the interior of the building. Doors will be kept shut to further mitigate noise in the neighborhood.
6. Overnight storage of oversized commercial vehicles is prohibited.


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 29, 2019

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

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

2019 MAY 22 PM 1:55

TO BE COMPLETED BY STAFF

Case Number: 3389

Town Clerk Stamp

Submittal Accepted: _____

Signature of Planning Dept. Staff for minimal requirements _____

Date _____

Determined to be complete and may now be filed with Town Clerk: _____

Signature of Principal Planner or Director _____

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 81-R Hawthorne Street

Assessor's Map Sheet, Block, & Lot: 316-2 & 316-58

Zoning District: R1

Overlay District: N/A

OWNER OF RECORD (\$ (print&sign): Lester R. Fulton & Sons Inc

(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: 81-R Hawthorne Street, Weymouth MA 02189

Norfolk County Registry of Deeds Book and Page No. Book 5956 Page 164

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (\$ (print&sign): Lester R. Fulton & Sons Inc

Applicant's Address: 81-R Hawthorne Street, Weymouth

Contact Information: Email rfulton9@gmail.com

Phone _____

Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐

NAME & AFFILIATION OF REPRESENTATIVE: Raymond D. Jennings III

Address: 775 Pleasant Street, Suite 7, Weymouth, MA 02189

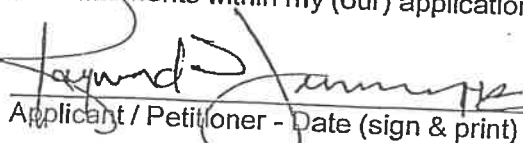
Contact Information: Email rayjennings@jenningsfishman.com

Phone 781-337-4221 x 203

NAME OF ENGINEER AND / OR ARCHITECT: Green Seal Environmental/ D.M. Williams

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.


Applicant / Petitioner - Date (sign & print)

RAYMOND D. JENNINGS III

5/28/19

NATURE OF REQUEST

Application is for: X Special Permit X Variance Amendment Other:

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

120-40 Extension or change by special permit

Variance: Frontage

The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the

PETITIONER'S DESCRIPTION AND NARRATIVE:

To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

The subject parcel is a 2.4 acre parcel with an existing 2900 square foot commercial building, which has been in continuous use as "light industrial" (carpentry and cabinetry shop) since the 1950's

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

The applicant seeks to extend the non-conforming use by adding a residential use, a single family home and maintaining the carpentry shop as an auxiliary use.

3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).

See 120-40 extension or change by special permit.

4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).

A Building Permit was granted in 1952 for a carpentry shop. A special Permit was granted for the existing building in 1955. Copies are attached to this application

5. Any other additional information as relevant to the Variance or Special Permit:

Environmental/wetlands Delianation Report dated February 8, 2019 attached
Frontage on Hawthorne is by easement over 81 Off Hawthorne ad described in applicant's Deed at Book 10256 Page 620 and shown on a Plan at Book 1821, Page 327.

ZONING COMPUTATION WORKSHEET

(To be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

Data	Required	Existing	Proposed
Use			
Lot Area / Size (Sq. Ft.)			
Dwelling Units			
Frontage (ft.)	75 feet	30.1 feet	30.1 feet
Lot Width (ft.)			
Front Yard Setback (ft.)			
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)			
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)			
Height (ft.) & # of Stories			
Lot Coverage			
Off-Street Parking Spaces			
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
Signage			
Other:			

SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit *only* if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.

Yes. This is an R-1 zone. The site is appropriate as the is seeking to build a single family home in a residential zone.

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

No. The proposed single family residential use us the least detrimental of potential uses and is consistent with the surrounding neighborhood.

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

No. The setbacks are well in excess of minimum requirements. There are no nusances or serius hazards to vehicles or podestrians accocaiated with the proposed use.

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

Sewer tie-in is anticipated with permitting.

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

This is a large parcel of largely undeveloped land, the applicant is proposing the most benign use possible consistent with the character of the existing neighborhood.

SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS

Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use

(Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

EXTENSION OR CHANGE FINDINGS OF FACT:

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):

The existing 2900 structure is used as a carpentry shop, within the R1 zone.

2. Indicate how long the nonconforming aspects of the structure have been in existence:

The 1950's

3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.

Existing use was granted by special permit in 1955

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

The extension seeks to add the R-1 use to the permitted light industrial use.

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

12+. The paved area will be extended to include driveway access to the proposed dwelling with proposed two car garage. No new parking is being added

6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

The residential use is the least detrimental use and the lot is large enough to accomodate both uses

VARIANCE APPLICATION

To be completed for Variance applications only.

VARIANCE FINDINGS OF FACT:

Criteria for approval. The Board may approve any such application for a Variance *only* if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.
The 2.4 acre lot in an R-1 zone would be unable to be developed for residential use without the requested variance, with or without the ancillary use
2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.
This is a unique 2.4 acre lot within a residential neighborhood, the lot contains a vernal pool, marsh area and wetland within an R-1 zone. The applicant will be unable to utilize the zoned R-1 use without the requested relief
3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.
The requested variance will enable the applicant to utilize the parcel for its intended R-1 use.
4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.
The frontage variance requested is the minimum necessary to permit driveway access to the parcel.

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.

PINEBROOK



CONSULTING

February 8, 2019

GREEN SEAL ENVIRONMENTAL, Inc.
114 State Road, Building B
Sagamore Beach, Massachusetts 02562
Attention: Tim Bennett

RE: Wetland Delineation on Property (#81-R) Hawthorne Street
East Weymouth, Massachusetts

Dear Tim:

On January 27, 2019, at your request, I visited the above-referenced property (site) to delineate the boundary of the wetland resource areas on/off the site. The resource areas are defined under Section 10.54, 10.56 and 10.55 of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00) (Regulations) and the Town of Weymouth Wetlands Protection By-law as bank, land under a waterbody/waterway (LUWW) and bordering vegetated wetland (BVW), respectively. The bank and LUWW are associated with two small ponds located on/off the westerly portion of the site, adjacent to the existing commercial building. The ponds are connected hydrologically via a small channel located between the two ponds and there is a fringe of BVW upgradient of the bank that confines the LUWW. Because the bank (which is fairly flat) that confines the ponds is located within the BVW, the bank was not delineated separately, but is instead represented by the BVW flags which also represents the most encompassing of the wetland resource areas on the site. On the easterly side of the site is another BVW system located east, and downgradient of, #81 Off Hawthorne Street. The easterly boundary (s) of the BVW associated with the ponds was identified (flagged) with pink flags labeled WF-1 thru WF-19; the westerly boundary of the BVW located on the easterly side of the site was identified with pink flags labeled WFA-1 thru WFA-11 (see attached sketch of the wetland flags). The boundaries of both BVW's are fairly well-defined by the slope and/or by the presence of wetland and transitional plant species such as red maple (*Acer rubrum*), white oak (*Quercus alba*) and black cherry (*Prunus serotina*) trees/saplings; highbush blueberry (*Vaccinium corymbosum*), arrow-wood (*Viburnum dentatum*), multiflora rose (*Rosa multiflora*), red osier dogwood (*Cornus stolonifera*), green brier (*Smilax glauca*), Japanese knotweed (*Polygonum cuspidatum*) and common buckthorn (*Rhamnus frangula*) in the shrub/vine layer; and, with the exception of grasses (*Graminae*, spp.), goldenrod (*Solidago*, spp.) and sedges (*Carex*, spp.), little growth observed in the herbaceous layer. The BVW's are also characterized by other hydrological indicators such as standing water, buttressed roots and

Page 2. 81R Hawthorne Street, East Weymouth, MA

saturated/hydric soils.

According to the most recent Massachusetts Natural Heritage and Endangered Species Program (NHESP), the southerly pond on the site is a potential vernal pool (PVP). From my observation of the ponds, the southerly pond is, visually, characteristic of a vernal pool, as opposed to the northerly pond which is not. In order to determine if the PVP is a vernal pool; however, it would need to be observed in early Spring, and through the Summer, to determine if the physical characteristics (i.e. water temperature and PH, breeding habitat (logs, rocks, vegetation, decayed matter, etc.)) within the PVP are those that can support the obligate and facultative species necessary to define the PVP as a vernal pool. These observations must be documented and, then, submitted to the NHESP for their review before the PVP can be defined and certified as a vernal pool.

If you have any questions regarding this delineation, please feel free to call me at any time. I am glad I could assist you and the Property Owner with this project, and let me know if I can be of further help in the future.

Sincerely,
PINEBROOK CONSULTING



Brooke Monroe
Environmental Scientist

Wetland Flags

BIR Hawthorne St.

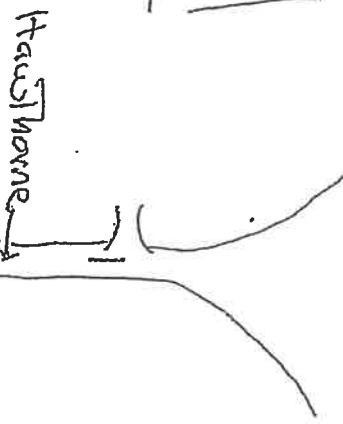
Weymouth, MA

11/27/19



— SITE —

B1
OFF



BIR



pond — (PVE)

WFA-10
eye
birds
etc

channel

pond —

WFA-5

START WFA

3/6/2019

Town of Weymouth Property Card



Town of Weymouth Property Card

Property Location: 81 HAWTHORNE ST

Parcel ID: 23-316-2

Current Owner:

FULTON LESTER R & SON INC
81-R HAWTHORNE ST
E WEYMOUTH, MA 02189

Current Assessments (All Land and Buildings)

Buildings	\$188,900
Other	\$1,700
Land	\$212,900
TOTAL	\$403,500

Land Line Valuation

Size	2.4 acres
Zone	
Assessed Value	\$403,500

Parcel Record of Ownership

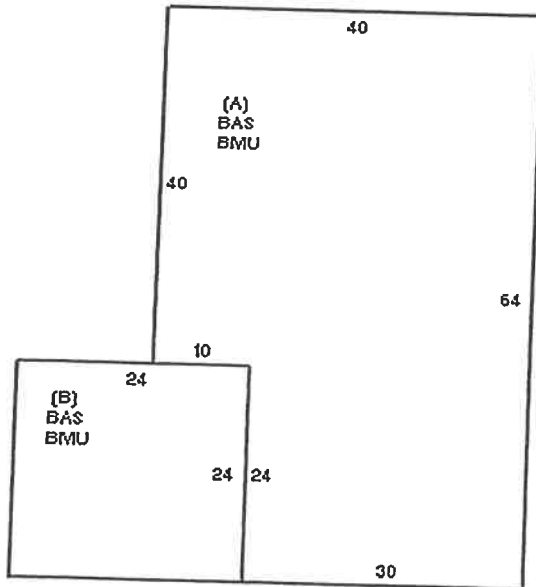
Grantor	Grantee	Date	Type	Price	Book/Page (Cert)
	FULTON LESTER R & SON INC		QS	\$0	5956/164

Primary Building Information

For additional building information, please review the building tab of the map viewer.

State Classification Code	MANUFACTURING BLDG	Finished Basement	No
Building Square Footage	2,896	Attached Garage	No
Year Built	1968	Detached Garage	No
Dwelling Style	LIGHT MANUF.	Number of Bedrooms	
Exterior Walls	DRYWALL	Number of Full Bathrooms	
Foundation Type	FLR & WALL	Number of Half Bathrooms	
Deck Area	0 SF	Heating/Cooling Type	
Porch Area	0 SF	Number of Fireplaces	0
Basement Area	2896 SF		

Building 1



DISCLAIMER: ALL DATA IS PROVIDED "AS IS", WITH ALL FEATURES, IF ANY. THE TOWN OF WEYMOUTH EXPRESSLY DISCLAIMS ALL WARRANTIES OF ANY TYPE, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY AS TO THE ACCUACY OF THE DATA, MRECHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE.

23-316-2

Property Location	81--R HAWTHORNE ST
Block-Lot	316-2
Curbside Trash Day	Wednesday
Yard Waste Week	A
Primary School Dist.	Lawrence Pingree School
Voting Precinct	11
Legislative District	4
2010 Census Block Group	250214225014
Zoning	R-1
Watershed Prot. Dist.	No
Ground Water Prot. Dist.	No
Property Record Card	(click here)



Separate application required for every Building
Duplicate Plans must be filed with this application
All distances must be exact

Fee \$.....

Application for Permit to Build

To The

Weymouth, Aug. 11, 1952

BUILDING INSPECTOR:

The undersigned hereby applies for a permit to build, according to the Laws of the
Town of Weymouth.

Plans must be submitted in duplicate, one set to be filed with the Department, and the duplicate set thereof (bearing the approval of the Building Inspector) shall be kept on the work and exhibited on demand of the Building Inspector or his representative.

Location 81 Hawthorne St. East Weymouth, Mass.
Name of owner is? Lester R. & Marion E. Fulton Address same
Name of Contractor is? Address
Name of Architect is? Address
Building to be occupied for? Carpenter shop and garage
If a dwelling or tenement-house, for how many families? No. of Rooms?
Size of lot, No. of feet front?; No. of feet rear?; No. of feet deep?
Size of building, No. of feet front? 40; No. of feet rear? 40; No. of feet deep? 30
No. of stories, front? 2; rear?
No. of feet in height from the mean grade to the highest part of the roof? 20 24
Distance from lot lines, front? 3 feet; right side? 3 feet; left side? feet; rear? feet
Firestop to be used?; distance from next building, front?; side? 40; side? 40; rear?
Is street accepted? yes Area of lot covered 273 %
Will the foundation be laid on earth, rock or piles? earth
If on piles, No. of rows? distance on centers? length of?
Diameter, top of? diameter, bottom of?
Size of posts?
Size of girts?
Floor timbers: Distance on centers and span—(see plans filed)
Braces, how put in?
Building, how framed?
Material of foundation? concrete thickness of? 12" 12" 4"
Underpinning, material of? height of? thickness of?
Style of roof? pitch Material of roofing? asphalt
Means of access to roof? outside
No. of brick walls? and where placed?
Will the building comply with the requirements of statutes? yes
Estimated Cost, \$ 4,000

Signature of owner or authorized representative,

Address, 81 Hawthorne St., East Weymouth, Mass.

Street number assigned?



The Town of Weymouth

OFFICE OF THE
BUILDING INSPECTOR
402 ESSEX STREET

EAST WEYMOUTH 89, MASS.

May 5, 1955

Mr. Lester R. Fulton
81 Hawthorne St.
East Weymouth, Mass.

Dear Sir:

At a hearing of the Board of Zoning Appeals held on Monday evening, April 11, 1955 on your application to be relieved of Article X, Section V and be permitted to extend a non-conforming use at 81 Hawthorne Street to include a new building to be used as combination garage and carpenter shop, it was voted:

"Permission granted, since the Board did not feel that the requested use would in any way be detrimental to the neighborhood."

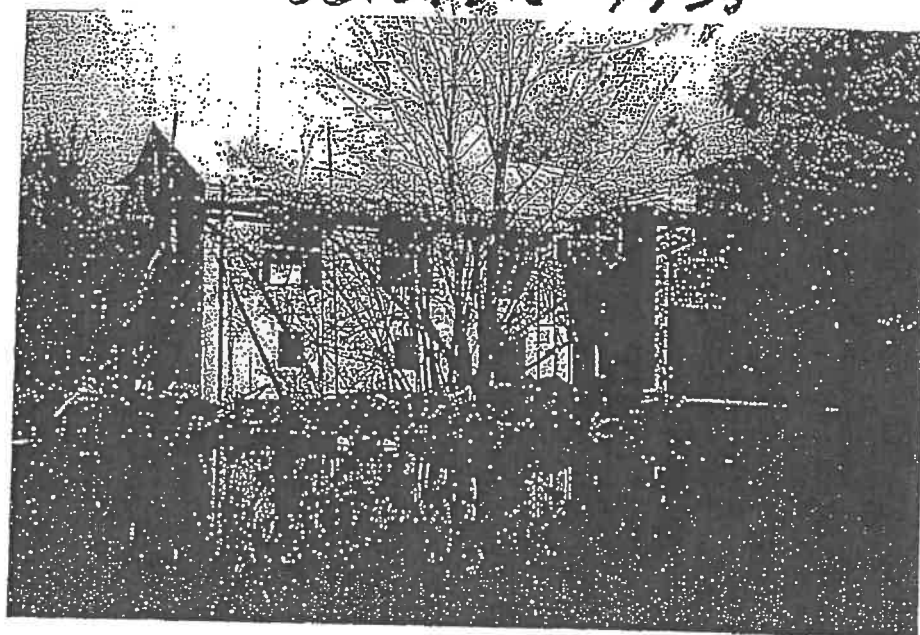
Yours very truly

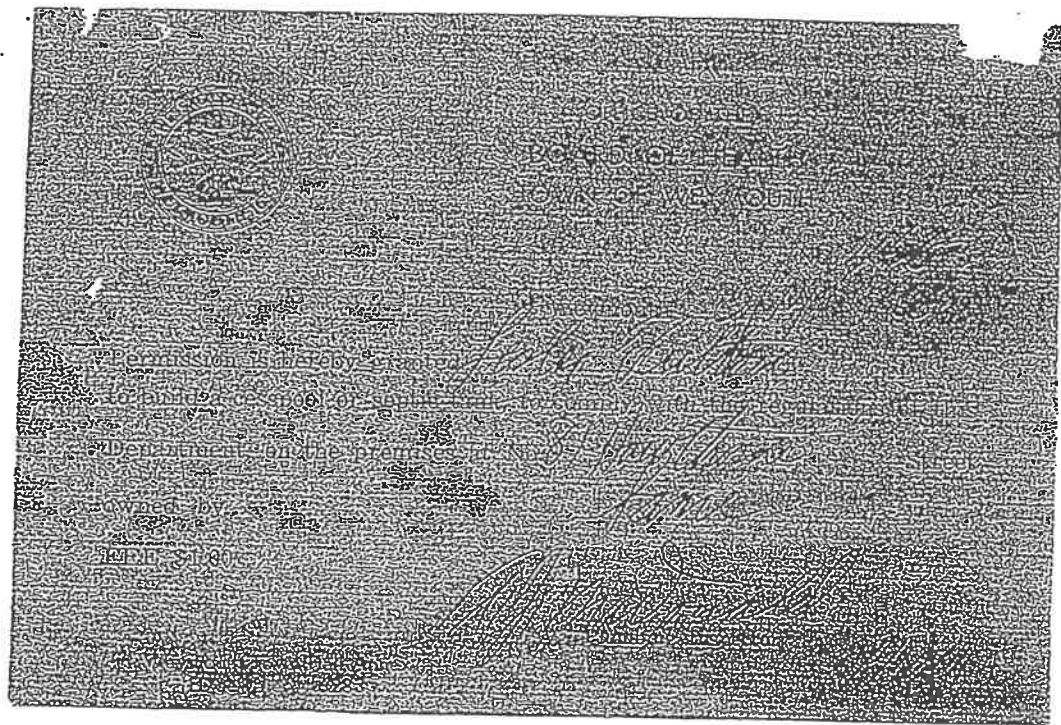
Andrew A. Chisholm
Building Inspector

OCTOBER 1955



OCTOBER 1955





19256

620

NOT
A N
O F F I C I A L
C O P Y

NOT
A N
O F F I C I A L
C O P Y
169350

I, Lester R. Fulton, and Marion E. Fulton by Lester R. Fulton, her attorney in fact under Durable Power of Attorney dated March 29, 1993 and to be recorded with the Norfolk County Registry of Deeds herewith,

of East Andover, New Hampshire

County, Massachusetts

in consideration of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS

grant to Robert J. Biagini, Jr. and Cynthia F. Biagini, husband and wife, as tenants by the entirety,

with quiet claim covenants

~~ONE HUNDRED~~ (xxx)

PARCEL 1

of

19256-620
NORFOLK COUNTY, MASSACHUSETTS
REGISTER

RECEIVED
NORFOLK COUNTY
DEC - 2 PM 1:34

The land in that part of Weymouth, Norfolk County, Massachusetts, situated on a private way commonly known as "Off Hawthorne Street", bounded and described as follows:

WESTERLY by a right of way commonly called "Off Hawthorne Street" seventy (70) feet;
NORTHERLY by other land of grantees, one hundred fifty-three (153) feet;
EASTERLY by land now or formerly of House, seventy (70) feet; and
SOUTHERLY by land now or formerly of Charlotte M. Burkett, one hundred fifty-three (153) feet.

Containing about 10,700 square feet of land, be any and all distances and measurements, more or less.

Together with the right to pass and repass on foot or in vehicle over said private way adjacent to the granted premises hereinbefore referred to as "Off Hawthorne Street" and to use the same for all ordinary purposes for which such right of way might be used.

For reference of title see deed dated October 25, 1946 recorded with Norfolk Deeds in Book 2643, Page 221.

PARCEL 2

The land with the buildings thereon, situated in that part of Weymouth known as East Weymouth and being shown as Lot "C" and part of Lot "D" on a plan of Subdivision of land in East Weymouth, Mass., dated July 7, 1926, Russell H. Whiting, C.E., duly recorded with Norfolk Deeds and more particularly bounded and described as follows:

WESTERLY by a right of way, as shown on said plan, sixty (60) feet;
SOUTHERLY by the remaining portion of Lot "D" as shown on said plan, one hundred fifty-four and 3/100 (154.03) feet;
EASTERLY by land of Lucy M. Otis, as shown on said plan, sixty and 16/100 (60.16) feet;
NORTHERLY by Lot "B" as shown on said plan, one hundred forty-nine and 78/100 (149.78) feet.

The above conveyance is made with the benefit of and subject to the said right of way as shown on said plan to the grantee, its successors and assigns forever, together with all persons entitled to use the same.

For reference of title see deed dated April 15, 1946 recorded with Norfolk Deeds in Book 2598, Page 151.

CANCELLED

456.00
456.00
13:30
TAX

Property Address: 81 Off Hawthorne Street, Weymouth, MA 02189

NOT
A N
O F F I C I A L
C O P Y

NOT
A N
O F F I C I A L
C O P Y

621

PARCEL 3

A certain parcel of land in that part of said Weymouth known as East Weymouth being a parallel strip of land five (5) feet in width, lying Northerly of and adjacent to the boundary line between Parcel B and Parcel C as shown on a plan entitled "Plan of subdivision of land in East Weymouth, Mass.", Russell R. Whiting, C.E., dated July 7, 1926, recorded with Norfolk Deeds, and bounded and described as follows:

Beginning at a point on the Easterly side of a right of way leading Southerly from Hawthorne Street at the division line between said Parcel B and said Parcel C; thence running Easterly by said division line, a distance of one hundred forty-nine and 78/100 (149.78) feet to land formerly of Lucy M. Otis, now of John House and Cora T. House, joint tenants; thence turning and running Northerly by said land now of said House, a distance of five and 2/100 (5.02) feet to the remaining portion of said Parcel B; thence turning and running Westerly by said remaining portion of said Parcel B, a distance of one hundred forty-nine and 39/100 (149.39) feet to the said side line of said right of way; thence turning and running Southerly by said side line of said right of way, a distance of five (5) feet to the point of beginning; containing seven hundred forty-eight (748) square feet, be the same more or less.

Meaning and intending hereby and herein to convey a parallel strip of land five (5) feet in width adjacent to and Northerly of land now of Lester R. Fulton, et al.

For reference of title see Deed dated June 15, 1948 recorded with Norfolk Deeds in Book 2762, Page 67.

Executed as a sealed instrument this

day of November 19 93

Lester R. Fulton
Lester R. Fulton

Marian E. Fulton by Lester R. Fulton
Marian E. Fulton, by her attorney in fact
Lester R. Fulton, under Durable Power
of Attorney

The Commonwealth of Massachusetts

November 19 93

Then personally appeared the above named

Lester R. Fulton

and acknowledged the foregoing instrument to be his free act and deed,

Before me,

My commission expires

Notary Public — Justice of the Peace



N O T
A N N O U N C E M E N T
O F F I C I A L M A S S A C H U S E T T S Q U I T C L A I M D E E D S H O R T F O R M I N D I V I D U A L 801
C O P Y C O P Y

We, Lester R. Fulton and Marion E. Fulton, Husband and Wife,

of Weymouth,

Norfolk

County, Massachusetts

being ~~Married~~, for consideration paid, and in full consideration of Fifty Thousand Dollars (\$50,000.00)

grant to Lester R. Fulton and Son, Inc., a Massachusetts Corporation having its usual place of business at 81 Hawthorne Street, East Weymouth, Massachusetts with quitclaim receipts

the land in that part of Weymouth known as East Weymouth, and being bound and described as follows:

[Description and encumbrances, - say]

A certain parcel of land with the buildings thereon, in that part of Weymouth, Norfolk County, Massachusetts, known as East Weymouth, being bounded and described as follows:

Beginning point at the intersection of the Southerly side line of Hawthorne Street, with the Easterly side line of said street at land of the Grantee herein; thence running

SOUTHEASTERLY

by said land of the Grantee herein and by land of the Grantors herein, in which they now make their home, one hundred forty-eight and 50/100 (148.50) feet to an angle point at the Southwesterly corner of said land of the Grantors in which they now make their home; thence turning and running

NORTHEASTERLY

by said land of the Grantors in which they now make their home, a distance of one hundred fifty-three and 00/100 (153.00) feet, more or less, to land now or formerly of Aniello L. and Sylvia M. Russo; thence turning and running

SOUTHWESTERLY

by said land now or formerly of Russo ten and 00/100 (10.00) feet, more or less to a pipe at land, now or formerly of Matthew B. Merkley and Terri J. Broadbent; thence turning and running

SOUTHERLY

by said land now or formerly of said Matthew B. Merkley and Terri J. Broadbent and by land now or formerly of S. Janet Williams, one hundred ninety and 05/100 (190.05) feet to a pipe; thence turning and running

SOUTHWESTERLY

by said land now or formerly of Williams thirty-five and 00/100 (35.00) feet to an angle point; thence turning and running

SOUTHERLY

by said land now or formerly of Williams and by land now or formerly of John A. and Michael W. Cameron one hundred twenty-three and 08/100 (123.08) feet to land now or formerly of James V. and Beverly M. Marano; thence turning and running

SOUTHWESTERLY

O F F C

by said land now or formerly of Marano, by land now or formerly of Joseph S. and Patricia R. Walker, by land now or formerly of Philip P. and Barbara J. Ford, a distance of five hundred twenty-six and 44/100 (526.44) feet to land of Arthur H. and Dorothy L. Kent; thence turning and running

NORTHEASTERLY

by said land now or formerly of Kent and by land now or formerly of George B. and Phyllis B. Cahoon a distance of one hundred ten and 25/100 (110.25) feet to a point; thence turning and running

SOUTHEASTERLY

by said land now or formerly of Cahoon, eighteen and 00/100 (18.00) feet to a spike in a 36" oak tree; thence turning and running

NORTHEASTERLY

by said land now or formerly of Cahoon, fifty and 00/100 (50.00) feet to an angle point; thence turning and running

SOUTHWESTERLY

by said land now or formerly of Cahoon, eighteen and 00/100 (18.00) feet to land now or formerly of Mary A. White; thence turning and running

NORTHEASTERLY

by said land now or formerly of White and by land now or formerly of Robert N. and Dorothy L. Bulens one hundred twenty-one and 60/100 (121.60) feet to an iron pipe, at land now or formerly of Biaggio R. and Mary V. Colasanti and Thomas and Margaret E. Spada and by land now or formerly of Albert and Leonora A. LaRocco, one hundred eighty-five and 93/100 (185.93) feet to an angle point; thence turning and running

NORTHERLY

by said land now or formerly of LaRocco fifty and 65/100 (50.65) feet to a bolt set; thence turning and running

WESTERLY

by said land now or formerly of LaRocco seven and 34/100 (7.34) feet and by land of Guy L. and Ellen Giampietro seventy and 00/100 (70.00) feet to land now or formerly of Ralph M. and Donna Muscillo; thence turning and running

SOUTHEASTERLY

by said land now or formerly of Muscillo, five and 00/100 (5.00) feet to an angle point; thence turning and running

EASTERLY

by said land now or formerly of Muscillo seventy-six and 99/100 (76.99) feet to an angle point; thence turning and running

NORTHWESTERLY

by said land now or formerly of Muscillo one hundred twenty-five and 00/100 (125.00) feet to the Southerly side line of said Hawthorne Street; thence turning and running