

***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**

February 1, 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 December 7, 2022 on APPLICATION OF: Va Ly, Case # 3494.

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
41 JOHNSON ROAD**

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

2023 JAN 11 PM 2:28

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

Owner:	Va Ly	Date:	January 11, 2023
Address:	41 Johnson Rd. Weymouth, MA 02191		
Applicant:	Va Ly	Case #:	3494
Address:	41 Johnson Rd. Weymouth, MA 02191		
Representative:	Stephen Trudeau TruDesign Co. Inc. 35 Emeline Rd. Weymouth, MA 02188	Site Address:	41 Johnson Road
		Sheet:	6
		Block:	74
		Lot:	10
Hearing Date:	12/7/2022		
Filing Date:	11/2/2022		
Advertised:	11/23/2022 & 11/30/2022		

Zoning District: R-1

At a public hearing on 12/7/2022 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Weymouth Zoning Ordinance Sections 120-40 (Extension or Change by Special Permit) and 120-41 (Exception to Limitation Restoration by Special Permit)* to remove the foundation and rebuild on the same footprint. Approval is per a survey prepared by Grady Consulting, LLC. and dated 12/6/2022 and plan set prepared by RL Design and dated 9/1/2022.

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. *This lot is in an R-1 residential district. The addition is in keeping with the character and scale of the neighborhood. The Special Permit is required because the preexisting structure was loose to fire.*
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 very much in keeping with the scale and character of the surrounding neighborhood.*

3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The availability of off-street parking will not be impacted.*
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. *A house loss to fire will be rebuilt benefitting the homeowner and surrounding neighborhood.*

CONDITIONS:

1. The applicant will work with town on exterior materials.


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 **January 11, 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

January 11, 2023

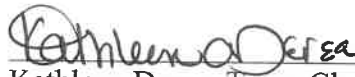
Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Va Ly, 41 Johnson Rd., Weymouth, MA 02191, affecting the rights of the owner with respect to land or buildings at 41 Johnson Road also shown on the Weymouth Town Atlas Sheet 6, Block 74, Lot 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. Lyongo, Planning Director



Kathleen Deree, Town Clerk

Case # 3494

Date of Hearing: 12/7/2022