

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON SPECIAL PERMIT  
49 KEITH STREET**

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

<b>Owner:</b>	Nima/Shireen Yadollahpour	<b>Date:</b>	June 28, 2016
<b>Address:</b>	49 Keith Street Weymouth, MA 02188		
<b>Applicant:</b>	Nima/Shireen Yadollahpour	<b>Case #:</b>	3287
<b>Address:</b>	49 Keith Street Weymouth, MA 02188		
<b>Representative:</b>		<b>Site Address:</b>	49 Keith Street
		<b>Sheet:</b>	20
		<b>Block:</b>	204
		<b>Lot:</b>	8

**Zoning District: R-1**

Board of Zoning Appeals application filed on April 22, 2016

After a public hearing on June 1, 2016, advertised in the Weymouth News on May 18, and May 25, 2016, the Board of Zoning Appeals at its meeting of June 1, 2016

**VOTED TO GRANT THE SPECIAL PERMIT** under Weymouth Zoning Ordinance 120-40; Extension or change of non-conforming use or structure, to allow the petitioner to construct a ~845 SF two-story addition with a full basement.

**FINDINGS:**

1. The specific site is an appropriate location for such a use. **The applicant would need a variance for another location. He will be decreasing the nonconforming use.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The applicant will keep the building material the same and keep the height at 24 feet all the way along.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **The Building Department will make sure the permits are given for sewer and water.**
5. That the public convenience and welfare will be substantially served with the proposal. **The town of Weymouth will gain new tax revenue and the property will be improved.**

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. (3) 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 June 28, 2016

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.

A handwritten signature in black ink, appearing to read 'R. Luongo', is written over a horizontal line.

Robert J. Luongo, Planning Director

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
**Wednesday, June 1, 2016**

**Members Present:** Richard McLeod, Chairman  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty  
Ed Foley

**Also Present:** Bob Luongo, Planning Director  
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, 182 Green Street and explained the procedures that would be followed to the people present.

**Case #3287** – The petitioners, Nima Yadollahpour for property located at **49 Keith Street** shown on the Weymouth Town Atlas sheet 20, block 204, lot 8, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-40 Extension or change of non-conforming use or structure

Presently located on a ~6819 SF lot is an existing single family dwelling. The petitioner seeks to construct a ~845 SF two-story addition with a full basement.

**Sitting Members:** Richard McLeod  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty  
Ed Foley

Ed Foley made a motion to open the public hearing on Case #3287 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3287 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the board was the applicant Nima Yadollahpour. He and his wife purchased this house in 2004. He has been improving the house ever since and has also had two children. The house is getting cramped and he has been debating should they move or add on. They would like to stay in this house as they have great neighbors. He would like to extend off the back.

Ed asked if he considered the addition on the driveway side. The applicant said that would create a hardship for him and it would break up the yard and lose the driveway. He would have also need a variance if he put it there.

Kemal asked if he talked to the neighbors and he said yes and they have all been supported. All abutters have been notified.

Eric said there were no staff comments received .

Public Comments:

Mary Quinn, 39 Keith Street, she has been there for 30 years and she said they are wonderful neighbors. They keep the grounds very neat.

Kayala Kamahebra, 53 Keith Street – they are wonderful neighbors and supports this project as well.

Ed Foley made a motion to close the public hearing on Case #3287 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve the application for a Special Permit on Case#3287 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

**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. **The applicant would need a variance for another location. He will be decreasing the nonconforming use.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The applicant will keep the building material the same and keep the height at 24 feet all the way along.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **The Building Department will make sure the permits are given for sewer and water.**
5. That the public convenience and welfare will be substantially served with the proposal. **The town of Weymouth will gain new tax revenue and the property will be improved.**

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

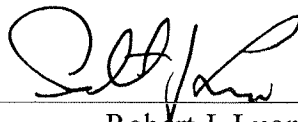
**BOARD OF APPEALS**

June 28, 2016

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 Nima & Shireen Yadollahpour, 49 Keith Street, Weymouth, MA 02188, affecting the rights of the owner with respect to land or buildings at 49 Keith Street, also shown on the Weymouth Town Atlas Sheet 20, Block 204, Lot 8, 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 # 3287

Date of Hearing: 6/1/2016