

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON SPECIAL PERMIT  
9 OLIVER ROAD**

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

**Owner:** John & Kathleen Conway  
**Address:** 56 Barlows Landing Road  
Pocasset, MA 02559

**Date:** June 28, 2016

**Applicant:** John & Kathleen Conway  
**Address:** 56 Barlows Landing Road  
Pocasset, MA 02559

**Case #:** 3290

**Representative:**

**Site Address:** 9 Oliver Road  
**Sheet:** 30  
**Block:** 386  
**Lot:** 15

**Zoning District: R-1**

Board of Zoning Appeals application filed on May 4, 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 demolish two existing structures and construct a new single family dwelling on an existing foundation and replace a shed.

**FINDINGS:**

1. The specific site is an appropriate location for such a use. **The applicant is staying within the foot print.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The District Councilors and neighbors supports this.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **It will eliminate a hazard.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Building Department will issue all proper permits.**
5. That the public convenience and welfare will be substantially served with the proposal. **Rectifying a severe problem with the property.**

Condition:

1. Approved upon the approval the Conservation Commission.

RECEIVED  
TOWN OF WEYMOUTH  
CLERK'S OFFICE  
2016 JUN 28 PM 3:08

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.



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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.

**3. Case #3290** – The petitioners, John & Kathleen Conway, for property located at **9 Oliver Road**, also shown on the Weymouth Town Atlas sheet 30, block 386, lot 15, 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 ~4249 SF lot is an existing uninhabitable dwelling and shed. The petitioner seeks to demolish the two existing structures and construct a new single family dwelling on the existing foundation and replace the shed.

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

Ed Foley made a motion to open the public hearing on Case # 3290 and was seconded by Jonathan Moriarty.

**VOTED UNANIMOUSLY**

Ed Foley made a motion to waive the reading of the publication on Case # 3290 and was seconded by Jonathan Moriarty.

**VOTED UNANIMOUSLY**

Appearing before the board was the applicant John and Kathleen Conway. They purchased this lot from the town of Weymouth at auction and are looking to build a new

house on the existing footprint. The foundation has cracks and may need to be replaced. They are planning on a modular home for that site.

The applicant will be going before the Conservation Commission next week. They have been working with the town for a year now.

They want to move from the cape to weymouth as their neighbors are their relatives. This will improve the neighborhood.

Eric stated that there were no staff comments.

Public Comments:

Arthur Mathews, District 4 Town Council – the house has been vacant for 20 years, it is a blight! The town took it over through tax title and the Conways bought it through town auction. They plan on building a new house. He is in support of this application.

55 Sevor Road supports it and can't wait for it to be rebuilt.

Chuck Golden said he visited the site and a neighbor said it was a drug house.

5 Oliver Road, he does not have any issues with the rebuilding but would like to have the land surveyed because he does not have any idea where his property line is. The applicant said they surveyed their property and will give them the name of the person they used because that way it is already half done as he abutts them.

Because it is a private property, the town provided him with a list of local surveyors but the surveyors ran into a problem and need the assistance of the town engineer. Eric will get him in touch with the Town Engineer.

Ed Foley made a motion to close the public hearing on Case #3290 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve the application for a special permit on Case #3290 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 is staying within the foot print.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The District Councilors and neighbors supports this.**

3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **It will eliminate a hazard.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Building Department will issue all proper permits.**
5. That the public convenience and welfare will be substantially served with the proposal. **Rectifying a severe problem with the property.**

Condition:

2. Approved upon the approval the Conservation Commission.

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

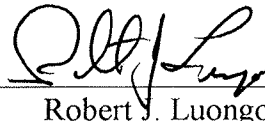
**BOARD OF APPEALS**

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 John & Kathleen Conway , 56 Barlows Landing Road, Pocasset, MA 02559 affecting the rights of the owner with respect to land or buildings at 9 Oliver Road, also shown on the Weymouth Town Atlas Sheet 30, Block 386, Lot 15, 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 # 3290

Date of Hearing: 6/1/2016