

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
195 PARK AVENUE WEST**

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

Owner: Robert Burke
Address: 195 Park Avenue West
Weymouth, MA 02190

Date: August 1, 2017

Applicant: Robert Burke
Address: 195 Park Avenue West
Weymouth, MA 02191

Case #: 3338

Representative: N/A

Site Address: 195 Park Ave West
Sheet: 44
Block: 483
Lot: 4

Zoning District: R-1; Watershed Protection District

Board of Zoning Appeals application filed on July 7, 2017

After a public hearing on July 26, 2017, advertised in the Weymouth News on July 12, and July 19, 2017, the Board of Zoning Appeals at its meeting of July 26, 2017

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance 120-40; Alteration, or change of a pre-existing nonconforming use

To grant relief for the petitioner to remove 3 single-walled fuel tanks and to replace with 2 double-walled fuel tanks, with an increase in capacity of 6,000 gallons, by August 15, 2017, as required by Mass DEP.

FINDINGS:

1. The specific site is an appropriate location for such a use. *The business has existed at this site for decades.*
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *All impacted Town departments have reviewed the plans and agree that the project will significantly decrease the risk of a future leak.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The project will not alter the existing building nor the ingress/egress points for the business.*
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use. *This proposal will also be reviewed by the Board of Licensing Commissioners.*

5. That the public convenience and welfare will be substantially served with the proposal.

CONDITIONS:

No additional Conditions

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 August 1, 2017

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.



Eric Schneider, Principal Planner
as designee of
Robert J. Luongo, Planning Director

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

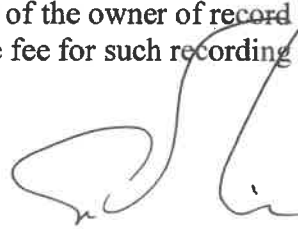
BOARD OF APPEALS

August 1, 2017

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 Robert Burke, 195 Park Avenue West, Weymouth, MA 02190, affecting the rights of the owner with respect to land or buildings at 195 Park Avenue West, Weymouth, MA also shown on the Weymouth Town Atlas Sheet 44, Block 483, Lot 4, 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.



Eric Schneider, Principal Planner
as designee of
Robert J. Luongo, Planning Director

Kathleen Deree, Town Clerk

Case # 3338

Date of Hearing: 7/26/2017