

*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

July 8, 2019

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 June 5, 2019 on APPLICATION OF: Lauren Brouillette, Case # 3388.

No appeal was filed within the twenty (20) day appeal period.

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  
44 REVERE ROAD**

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE

2019 JUN 17 PM 12:13

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

<b>Owner:</b>	Lauren Brouillette	<b>Date:</b>	June 17, 2019
<b>Address:</b>	44 Revere Road Weymouth, MA 02189		
<b>Applicant:</b>	Lauren Brouillette	<b>Case #:</b>	3388
<b>Address:</b>	44 Revere Road Weymouth, MA 02189		
<b>Representative:</b>	John J. Amendolare Attorney at Law 304 Victory Road, Marina Bay N. Quincy, Ma 02171	<b>Site Address:</b>	44 Revere Road
		<b>Sheet:</b>	26
		<b>Block:</b>	345
		<b>Lot:</b>	4

**Zoning District: R-1**

Board of Zoning Appeals application filed on May 16, 2019.

After a public hearing on June 5, 2019, advertised in the Weymouth News on May 22 and May 29, 2019, the Board of Zoning Appeals at its meeting of June 5, 2019

**VOTED TO GRANT THE SPECIAL PERMIT** under *Weymouth Zoning Ordinance 120-41, Exception to limitation on restoration by Special Permit*; to allow the petitioner to demolish an existing, fire-damaged, single family dwelling and construct a new single family dwelling with associated deck, retaining walls, walkways, landscaping and fencing as depicted on the "Site Plan prepared by Merrill Engineering and dated October 29, 2018 and by the architectural plans prepared by Axiom Architects and dated April 29, 2019.

**BACKGROUND:**

The Board of Zoning Appeals had previously approved a similar Special Permit for this property on November 21, 2018. That decision was appealed by abutters on the grounds that the adding a second story to the structure was in violation of a private deed restriction place on the property by a previous owner. The restriction prohibited the addition of a second story to the home.

During the Land Court proceedings, the parties reached an agreement on a design depicted in the above referenced plans. The Land Court remanded the matter back to the Board of Zoning Appeals for consideration. Per the remand, the matter was treated as new application to the Board and new abutter notifications were mailed and the hearing was re-advertised in the Weymouth News.

## FINDINGS:

### Special Permit Criteria:

1. The specific site is an appropriate location for such a use. *There was previously a single family home on the site which was destroyed by fire.*
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *This is a single-family home within an R-1 Residential District.*
3. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use. *Utilities will be upgraded as conditioned below.*
4. That the public convenience and welfare will be substantially served with the proposal. *Rebuilding the structure will provide a home for Town residents and will return the property to the tax rolls.*

## CONDITIONS:

1. The applicant will comply with the Order of Conditions issued by the Weymouth Conservation Commission. The Order of Conditions and the decision of the Board of Zoning Appeals will be filed with the Registry of Deeds.
2. The existing 3/4" water service will be upgraded to 1.5".


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 June 17, 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

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

**BOARD OF APPEALS**

June 17, 2019

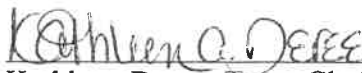
Certificate of Granting of Variance or Special Permit  
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Lauren Brouillette, 44 Revere Road, Weymouth, MA 02189, affecting the rights of the owner with respect to land or buildings at 44 Revere Road, Weymouth, MA 02189, also shown on the Weymouth Town Atlas Sheet 26, Block 345, 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.



Robert J. Luongo, Planning Director



Kathleen Deree, Town Clerk

Case # 3388

Date of Hearing: 6/05/2019