

***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**

November 17, 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 October 16, 2019 on APPLICATION OF: Zhaoyong Yang, Case # 3396.

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 WASHBURN ST**

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

2019 OCT 28 AM 10:30

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

Owner: Yangguan LLC
Address: 24 Carter Rd
Braintree, MA 02184

Date: October 28, 2019

Applicant: Zhaoyong Yang
Address: 24 Carter Rd
Braintree, MA 02184

Case #: 3396

Representative:

Site Address: 44 WASHBURN ST
Sheet: 23
Block: 304
Lot: 61

Filing Date: 9/17/2019

Hearing Date: 10/16/2019

Advertised: 10/02/2019 & 10/09/2019

Zoning District: R-1

At a public hearing on 10/16/2019 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under Section 120-40 to allow for the demolition of a vacant and condemned house within the R-1 District. The existing structure is nonconforming due to multiple setback violations but the new house will be built on the existing footprint as shown on a Plan of Land prepared by C.S. Kelley Land Surveyors and dated. February 6, 2019.

VOTED UNANIMOUSLY TO GRANT A VARIANCE under Section 120-52 as the existing lot is less than 5,000 square feet.

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 is an existing residential neighborhood consisting of generally undersized lots. The new house will be on the same footprint of the original house.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The existing building is condemned and poses both a public safety and public health nuisance.*

3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *The existing home is built right up to the property lines. The reconstruction of the home will reduce an existing hazard to pedestrians and vehicles.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. *The project will require full review and approval from Weymouth Engineering and DPW Divisions.*
5. That the public convenience and welfare will be substantially served with the proposal. *The house is currently condemned and negatively impacts the value of surrounding properties.*

VOTED UNANIMOUSLY TO GRANT A VARIANCE from the Dimensional Requirements of Sections 120-52. The lot is less than 5,000 square feet but is surrounded by existing residential uses. The opportunity does not exist to acquire additional land to make the lot more conforming. The Board found that the variance could be granted given that the new house will be built on the same footprint and will not be any more detrimental to the neighborhood.

CONDITIONS:

Per a memo from Matthew Brennan, Assistant Health Director and dated October 1, 2019, the following conditions are placed on this approval:

1. The building must be demolished or made structurally sound, forthwith.
2. The site must be secured if an open pit exists or excavations must be filled in after the conclusion of work each day.
3. The Health Department shall be notified of the date and time of the foundations removal to observe if evidence of an oil release exists.
4. The site shall be kept free of rubbish.

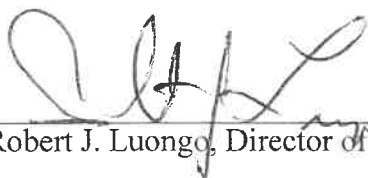
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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 October 28, 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

October 28, 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 Zhaoyong Yang, 24 Carter Rd. Braintree, MA 02184, affecting the rights of the owner with respect to land or buildings at 44 WASHBURN ST, also shown on the Weymouth Town Atlas Sheet 23, Block 304, Lots 61, 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. Luchgo, Planning Director



Kathleen Deree, Town Clerk

Case # 3396

Date of Hearing: 10/16/2019