

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
45-47 WASHINGTON STREET**

2017 JUL 27 PM 2:11

RECEIVED
TOWN OF WEYMOUTH
JUL 27 2017

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

Owner: Moghaddam Realty, LLC
Address: 45-47 Washington Street
Weymouth, MA 02188

Date: July 27, 2017

Applicant: Shahram Moghaddam
Address: 47 Washington Street
Weymouth, MA 02188

Case #: 3335

Representative: N/A

Site Address: 45-47 Washington St
Sheet: 20
Block: 278
Lot: 5

Zoning District: B-2; Village Overlay

Board of Zoning Appeals application filed on May 23, 2017

After a public hearing on June 28, 2017, advertised in the Weymouth News on June 14, and June 21, 2017, the Board of Zoning Appeals at its meeting of June 28, 2017

VOTED TO GRANT A SPECIAL PERMIT Granting relief under Weymouth Zoning Ordinance Section 120-25.7, (required parking spaces) allowing the petitioner to demolish an existing free-standing ATM kiosk, and to construct a ~875 SF single-story addition to the existing building to expand the existing dental practice. Approval is per a plan entitled "Moghaddam Realty LLC, 45-47 Washington Street Weymouth, MA", sheet 1-2, by Kelly Engineering Group, Inc. and dated May 22, 2017.

FINDINGS:

1. The specific site is an appropriate location for such a use. *This proposal seeks to expand an already existing business.*
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The removal of the outdated ATM will eliminate it as a hiding area for undesirable activities.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use. *The proximity of on-street and public parking is adequate to serve the office.*

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

CONDITIONS:

1. The existing dumpster will be fully enclosed with privacy fencing.
2. The metal casings along the top rear of the building will be repaired and repainted.
3. The existing plaque which honors a fallen firefighter will be temporarily removed from the building and stored with the Weymouth Fire Department during construction. At completion of the project the plaque will be reinstalled rededicated.
4. Existing fencing along the property line will be repaired and maintained and lot will be generally cleaned.
5. A licensed LSP will be on site to monitor the excavation per Weymouth Health Department request.
6. Existing HVAC system to be screened.

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 July 27, 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.



Robert J. Luongo, Planning Director

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

July 27, 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 Shahram Moghaddam, 47 Washington Street, Weymouth, MA, affecting the rights of the owner with respect to land or buildings at 45-47 Washington Street, Weymouth, MA also shown on the Weymouth Town Atlas Sheet 20, Block 278, Lot 5, 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 # 3335

Date of Hearing: 6/28/2017

BZA Decision – 45-47 Washington Street
(Case 3335)