

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT
89-97 WASHINGTON STREET**

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

Owner:	Costa Zahos	Date:	5/18/2016
Address:	410 Newtonville Ave. Newton, MA 02460		
Applicant:	George E. George	Case #:	3281
Address:	1037 Middle Street Weymouth, MA 02188		
Representative:	N/A	Site Address:	89-97 Washington St
		Sheet:	20
		Block:	277
		Lot:	7

Zoning District: VC (Village Center Overlay District)

Board of Zoning Appeals application filed on February 29, 2016.

After a public hearing on April 20, 2016, advertised in the Weymouth News on April 6 and April 13, 2016, the Board of Zoning Appeals at its meeting of April 20, 2016

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Article XIII, Section 120-40, Extension or change to a non-conforming use, to grant relief for the petitioner to install a prefabricated ~8' x 20' cooler/freezer unit over a ~6" concrete slab on the north side of an existing retail building, with access from the interior only; per plan prepared by Farouk F. Youssef, AIA, dated February 19, 2016, entitled "Proposed addition Cooler/Freezer".

SPECIAL PERMIT FINDINGS:

1. The specific site is an appropriate location for such a use. **The site is a restaurant and there is a need for it and it will be attached to the restaurant and accessed through it.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **He will be constructing a retaining wall in the back to deal with the cliff issue.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **It is fenced in.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Health department requested a new water heater.**
5. That the public convenience and welfare will be substantially served with the proposal. **Freezer and cooler will allow applicant to better serve the public and more space to store food.**

CONDITION: The applicant is required to replace the existing undersized water heater.


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, and (3) the 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 May 18, 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.



Robert J. Luongo, Director of Planning and Community Development

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, April 20, 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 7:00 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Case # 3281 – The Petitioner, George E. George, for property located at 81 Washington Street, shown on the Weymouth Town Atlas sheet 20, block 277, lot 7, located in the VC, zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinances:

Special Permit: 120-40 Continuation or change of non-conforming use
The petitioner seeks to install a prefabricated 8'x 20' Cooler/Freezer unit over a 6" concrete slab on the north side of an existing retail building, with access from the interior only; and to construct a concrete retaining wall to protect the unit against erosion from an adjacent hillside.

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

Ed Foley made a motion to open the public hearing on Case # 3281, 81 Washington Street and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3281, 81 Washington Street and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Appearing before the board was George E. George, owner of Napoli's Pizza. He is looking to construct a 20'x8' walk in refrigerator and freezer attached to the rear of the existing building. The new walk in will be accessed from the interior of the restaurant

only. The existing cooler within the building will be removed to create additional food preparation area.

Ed Foley said he visited the site and the walk in freezer will be entered from the building. He will be putting in a retaining wall along the cliff.

The health department comments are as follows: Napoli pizza is in need of a new water heater. We made an agreement with the owner that we would allow him to replace the unit in connection with the walk-in freezer project. We approve the freezer project with the stipulation that a new water heater is also installed.

The public was given the opportunity to speak and there were no public comments.

Ed Foley made a motion to close the public hearing on Case # 3281 and was seconded by Chuck Golden.

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 site is a restaurant and there is a need for it and it will be attached to the restaurant and accessed through it.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **He will be constructing a retaining wall in the back to deal with the cliff issue.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **It is fenced in.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Health department requested a new water heater.**
5. That the public convenience and welfare will be substantially served with the proposal.

Freezer and cooler will allow applicant to better serve the public and more space to store his food.

Condition:

1. A new water heater will be installed.

This motion was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

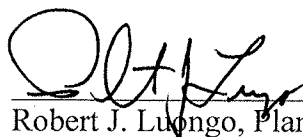
BOARD OF APPEALS

May 18, 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 George E. George, 1037 Middle Street, Weymouth, MA 02188, affecting the rights of the owner with respect to land or buildings at 89-97 Washington Street, also shown on the Weymouth Town Atlas Sheet 20, Block 277, Lot 7, 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. Lungo, Planning Director

Kathleen Deree, Town Clerk

Case # 3281

Date of Hearing: 4/20/2016

BZA Special Permit Decision – 89-97 Washington Street (Napoli Pizza)
(Case 3281)