

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
29 WELLAND CIRCLE**

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

Owner:	Michael V. Howard	Date:	2/21/2017
Address:	29 Welland Circle Weymouth, MA 02188		
Applicant:	Michael V. Howard	Case #:	3315
Address:	29 Welland Circle Weymouth, MA 02188		
Representative:	N/A	Site Address:	29 Welland Circle
		Sheet:	24
		Block:	320
		Lot:	65

Zoning District: R-1

Board of Zoning Appeals application filed on November 25, 2016.

After a public hearing on January 4, 2017, advertised in the Weymouth News on December 21, and December 28, 2016, the Board of Zoning Appeals at its meeting of January 4, 2017

VOTED TO GRANT THE VARIANCE under Weymouth Zoning Ordinance Table 1; Lot Size to grant relief for the petitioner to straighten the lot line at 29 Welland Circle by adding ~500 SF from the abutting ~19,644 SF lot at 32 Welland Circle, per “Plan of Land 32 Welland Circle, Weymouth, Massachusetts”, signed and stamped by Peter G. Hoyt, PLS, dated November 4, 2016.

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) 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 **FEBRUARY 21, 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, Director of Planning and Community Development

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, January 4, 2017

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Ed Foley
Chuck Golden

Also Present: Eric Schneider, Principal Planner
Janet Murray, 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.

Chairman McLeod explained to those present that there are three cases that were scheduled for this evening for which one of the board members is not present. He stated that each applicant has the option to go forward with the hearing with only four out of five members present or to continue to another date. He further noted that if an applicant chooses to have their case heard this evening, they must receive a unanimous vote of the four sitting members.

Case #3315 - The petitioner, Michael Howard, for property located at **29 Welland Circle**, also shown on the Weymouth Town Atlas sheet 24, block 320, lot 65, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance.

Variance: Table 1 Lot size

Presently located at 29 Welland Circle is ~8,200 SF lot with an existing single family dwelling. The petitioner seeks to straighten the lot by adding ~500 SF from the abutting ~19,644 SF lot at 32 Welland Circle making that lot more nonconforming.

Mr. Foley made a motion to open the public hearing on Case #3315 and was seconded by Mr. Moriarty. **VOTED UNANIMOUSLY.**

Mr. Foley made a motion to waive the reading of the publication on Case #3315 and was seconded by Mr. Moriarty. **VOTED UNANIMOUSLY.**

Mr. Howard appeared before the board seeking relief from lot size requirements. He stated that he is proposing to obtain approximately 498 square feet from abutting property and incorporate into his lot.

Mr. Denizkurt noted that the applicant and the abutting property owner have already signed off on this.

Mr. Howard stated that he is looking to round off his lot. He noted that he must be vigilant to keep off this portion of the abutting property and not do any damage when moving equipment to do work onto his property.

The public was given the opportunity to speak and there was the following comment:

The owner of 32 Welland Circle, Ann Louise Gorman, stated that she has no problem with the request and hopes that it goes through.

Mr. Foley mad a motion to approve this application for a variance because the applicant will be increasing the nonconformity of the abutting lot and decreasing the nonconformity of his own lot. The applicant is looking to do so to avoid lawsuits if he were to damage the abutting property. This is a hardship for him to worry about this. The Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The amount of property involved is approximately 500 square feet. This portion of the property will not be a buildable lot. The motion was seconded by Mr. Moriarty.

UNANIMOUSLY VOTED.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

February 21, 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 Michael V. Howard, 29 Welland Circle, Weymouth, MA 02188, affecting the rights of the owner with respect to land or buildings at 29 Welland Circle, Weymouth, MA, also shown on the Weymouth Town Atlas Sheet 24, Block 320, Lot 65, 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 # 3315

Date of Hearing: 1/4/2017