

*Town of Weymouth  
Massachusetts*

Kathleen A. Deree  
Town Clerk

Town Clerk's Department  
781-340-5017  
781-682-6129 (FAX)



Susan M. Kay  
Mayor

75 Middle Street  
Weymouth, MA 02189

November 30, 2015

To Whom It May Concern:

I, Lee A. Hultin, Assistant 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 7, 2015 on APPLICATION OF: Stephen Zeboski, Case # 3262.

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

Signed: \_\_\_\_\_

*Lee A. Hultin*

A True Copy. ATTEST:

*Lee A. Hultin*

Lee A. Hultin  
Assistant Town Clerk

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON SPECIAL PERMIT  
15 FILOMENA STREET**

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

**Owner:** Virginia Lee Voss  
**Address:** 15 Filomena Street  
Weymouth, MA 02189  
**Date:** November 10, 2015

**Applicant:** Stephen Zeboski  
**Address:** 214 Quincy Avenue  
Braintree, MA 02184  
**Case #:** 3262

**Representative:** Gregory F. Galvin  
**Address:** 775 Pleasant Street  
Weymouth, MA 02189  
**Site Address:** 15 Filomena Street  
**Sheet:** 22  
**Block:** 249  
**Lot:** 26

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2015 NOV 10 AM 9:47

**Zoning District: B-2**

Zoning Board of Appeals application filed on August 13, 2015.

After a public hearing on October 7, 2015, advertised in the Weymouth News on September 23, 2015 and September 30, 2015, the Board of Zoning Appeals at its meeting of October 7, 2015:

VOTED 5-0 TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Article XIII, Section 120-40 Extension or change of nonconforming use. The applicant plans to demolish an existing single family dwelling and construct a new single family dwelling on a ~3,349 SF lot.

**SPECIAL PERMIT FINDINGS:**

The Board found that:

1. The specific site is an appropriate location for such a use:  
*The current building is a single family home and unsightly.*
2. The use involved will not be detrimental to the established or future character of the neighborhood or town:  
*Removing an unsightly building and putting up a smaller one.*
3. There will be no nuisance or serious hazard to vehicles or pedestrians:  
*Building Department will take care of this when they issue the permit, with off-street parking.*
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use:  
*There will be additional parking on site with off street parking.*
5. The public convenience and welfare will be substantially served:  
*There is a tax bill of \$55,801.82 dating back to 2007 that will be paid.*

A letter of agreement between Mr. Zeboski and his neighbor Mr. Alemian was submitted to the Board and formed the basis of the following conditions.

CONDITIONS:

1. Exterminator will be hired to trap the squirrels, raccoons etc. for release into the wild.
2. A small retaining wall and 6 foot stockade fence will be constructed along the property line shared with Mr. Alemian.
3. Two off-street parking spaces shall be provided.


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, and (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 November 10, 2015

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.

  
\_\_\_\_\_  
James Clarke, Director of Planning and Community Development

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
**Wednesday, October 7, 2015**

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

**Also Present:** Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:08 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

**New Business:**

**Case # 3262**– The petitioner, Stephen Zeboski for property located at 15 Filomena Street, also shown on the Weymouth Town Atlas Sheet 22, Block 249, Lot 26, located in a B-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Article XIII Section 120-40 Extension or change of an existing non-conforming use or structure

Presesntly located on the premises is an existing ~897 SF single-family dwelling on a 3,349 SF lot. The petitioner is proposing to demolish the existing structure and construct a new ~672 SF single-family dwelling.

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

Ed Foley made a motion to open the public hearing on Case #3262, 15 Filomena Street and was seconded by Kemal Denizkurt.

**VOTED UNANIMOUSLY**

Ed Foley made a motion to waive the reading of the legal notice on Case # 3262 and was seconded by Kemal Denizkurt.

## VOTED UNANIMOUSLY

Appearing before the board was Attorney Greg Galvin, 775 Pleasant Street and the applicant Steven Zeboski.

Attorney Greg Galvin stated that the applicant proposed to demolish the existing building and construct a new two story single family dwelling at 672 sq ft. All side yard setbacks will increase in size. Currently there is no driveway and it is his intention to put a two car driveway on the right side of the lot. This will allow the vehicles to get off the street and make it safer.

The DPW has suggested the applicant make upgrades to the Water & Sewer facilities that service this location. The applicant has spoken to all the abutters and there was only one concern with Mr. Alemian about the timing of the demolition. There is concerns that there are squirrels and other wild animals in this building and Mr. Alemian has requested that he engage a wildlife expert that would trap and release any animals. He is also requesting a privacy fence or low stone retaining wall and the applicant has agreed to this request.

Attorney Greg Galvin submitted a signed petition in support of the project marked as Exhibit #1.

This location is in a B-2 Zone and there are no set back minimums.

Ed Foley asked if all taxes will be paid up and it was stated yes by Mr. Zeboski.

### Public Comment:

Mr. Alan Alemian, 694 Broad Street (owner) stated he met with the owner and discussed a privacy fence (submitted to the board as Exhibit #2).

Ed Foley asked Mr. Zeboski what the hours of construction will be and it was stated 7am to 7pm per the building department.

Chuck Golden asked if the two parking spaces would block the front steps of the house and it was stated no there will be enough space for the two cars to fit.

Kemal Denizkurt asked if he will be removing the trees in front of the house and it was stated yes both trees will be removed.

Wayne Matthews, president of the East Weymouth Neighborhood Association asked if the applicant spoke to the business across the street. Attorney Galvin stated that they received notice of this meeting and they would be here if they had any questions. Mr. Matthews would like to make sure there has been a dialogue between the two so there is no surprise to them.

Ed Foley made a motion to close the public hearing on Case#3262, 15 Filomena Ave and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve the Special Permit on Case #3262 and stated it has met all the criteria for Section 120-122D.

**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 current building is a single family home and unsightly.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **Removing an unsightly building and putting up a smaller one.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **Building Department will take care of this when they issue the permit, with off-street parking.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **There will be additional parking on site with off street parking**
5. That the public convenience and welfare will be substantially served with the proposal.

**There is a tax bill of \$55,801.82 dating back to 2007 will be paid up.**

**Conditions:**

- Incorporate the letter from Mr. Zeboski to Mr. Alemian regarding 6 ft privacy fence
- Exterminator will trap the squirrels, raccoons etc. and release into the wild.
- Small retaining wall and the stockade fence will be along the inside of Mr. Zeboski's property line.
- There will be 2 off street parking spaces provided.

Kemal Denizkurt seconded.

VOTED UNANIMOUSLY

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

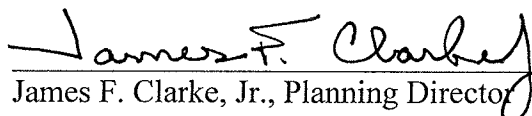
BOARD OF APPEALS

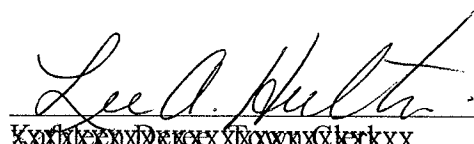
November 10, 2015

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 Stephen Zeboski, 214 Quincy Avenue, Braintree, MA 02184, affecting the rights of the owner with respect to land or buildings at 75 Filomena Street, also shown on the Weymouth Town Atlas Sheet 22, Block 249, Lot 26, 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.

  
James F. Clarke, Jr., Planning Director

  
~~Kathleen Dwyer, Town Clerk~~  
Lee A. Hultin, Assistant Town Clerk

Case # 3262

Date of Hearing: 10/7/2015