

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON SPECIAL PERMIT/VARIANCE  
76 FULLER ROAD**

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

<b>Owner:</b>	Cayla and Daniel Ahern	<b>Date:</b>	April 14, 2016
<b>Address:</b>	76 Fuller Road Weymouth, MA 02191		
<b>Applicant:</b>	Cayla and Daniel Ahern	<b>Case #:</b>	3278
<b>Address:</b>	76 Fuller Road Weymouth, MA 02191		
<b>Representative:</b>	N/A	<b>Site Address:</b>	76 Fuller Road
		<b>Sheet:</b>	8
		<b>Block:</b>	110
		<b>Lot:</b>	18

**Zoning District: R-1**

Board of Zoning Appeals application filed on January 25, 2016

After a public hearing on March 9, 2016, continued to March 30, 2016, advertised in the Weymouth News on February 24, and March 2, 2016, the Board of Zoning Appeals at its meeting of March 30, 2016

**VOTED TO GRANT A SPECIAL PERMIT** under Weymouth Zoning Ordinance 120-40 (extension or change of non-conforming use) and **VOTED TO GRANT A VARIANCE** from Weymouth Zoning Ordinance 120-58 (exception for erection on previously recorded lots) to allow the petitioner to construct a ~860 SF two-story addition on the rear of an existing single family dwelling located on a lot containing less than 5,000 sq ft (4,953).

**Special Permit Findings:**

1. The specific site is an appropriate location for such a use. **The variance will not extend the nonconforming setback.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The property abuts Lowes**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **The addition is for a parent.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Proper permits for water and sewer will be issued**

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5. That the public convenience and welfare will be substantially served with the proposal. **Provide additional tax revenue to the town of Weymouth.**

**Variance Criteria for Approval:** Weymouth Zoning Ordinance Section 120-119A(3).  
The Three Required Findings For Granting A Variance:

***Finding #1: Soil, Shape, Topography***

Owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located.

- The board must also find that the peculiarity is unique to the zoning district where the parcel is located.
- The peculiarity must not be found in the district as a whole.

***Finding # 2: Hardship***

A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise.

***Finding # 3: Public Good***

Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance or bylaw.

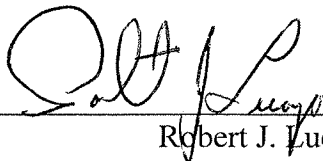
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

**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. (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 April 14, 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, Planning Director

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
**Wednesday, March 9, 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 and explained the procedures that would be followed to the people present.

**Case #3278** – The petitioners, Cayla and Daniel Ahern, for property located at **76 Fuller Road**, shown on the Weymouth Town Atlas sheet 8, block 110, lot 18, located in the R-1 zoning district. The petitioners are seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit;	120-40	Extension or change of non-conforming lot
	120-58	Exception for erection on previously recorded lots

The petitioner seeks to construct a ~860 SF two-story addition on the rear of an existing single family dwelling, located on a ~4953 SF lot.

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

Ed Foley made a motion to open the public hearing on Case # 3278 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the public notice on Case # 3278 and was seconded by Chuck Golden.

VOTED UNANIMOUSLY

Eric Schneider stated that the applicant requested a continuation on this case.

Kemal Denizkurt made a motion to continue Case # 3278 to March 30, 2016 and was seconded by Chuck Golden

VOTED UNANIMOUSLY

**BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, March 30, 2016**

**Members Present:** Richard McLeod, Chairman  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty- **Absent**  
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 Town Hall, Council Chambers, 75 Middle Street and explained the procedures that would be followed to the people present.

**6. Case #3278** – Continued Public Hearing from 3/9/2016 - sitting members: McLeod, Foley, Denizkurt, Golden, Moriarty - The petitioners, **Cayla and Daniel Ahern, for property located at 76 Fuller Road**, shown on the Weymouth Town Atlas sheet 8, block 110, lot 18, located in the R-1 zoning district. The petitioners are seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	120-40	Extension or change of non-conforming lot
	120-58	Exception for erection on previously recorded lots

The petitioner seeks to construct a ~860 SF two-story addition on the rear of an existing single family dwelling, located on a ~4953 SF lot.

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

Ed Foley made a motion to open the public hearing on Case # 3278 and was seconded by Chuck Golden. VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the publication on Case # 3278 and was seconded by Chuck Golden.  
VOTED UNANIMOUSLY

BZA Special Permit/Variance – 76 Fuller Road  
(Case 3278)

Appearing before the Board was Daniel and Cayla Ahern.

The applicant stated that her mother is looking to move into their house with them as she is elderly and a widow. The space will not be an in-law but will have a small kitchenette. The building department visited the site and has approved the proposal. They currently have a 3 bedroom and this would make it a four bedroom.

The applicant proposed an approximate 860 sq ft addition to their existing 1,337 sq ft home at 76 Fuller Road. The subject lot is 4,956 sq ft and backs up to the rear of the Bridge Street Staples. The existing structure is nonconforming as the side yard setback on the east side is only 9.3 feet. Table 1 of the Zoning Ordinance requires 10 feet. The proposed addition extends and maintains the 9.3 foot setback. A conforming rear yard setback of 25.7 feet will be maintained.

The variance on the size of the lot is because of the size and shape of the lot there is no place else to go.

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 # 3278 and was seconded by Chuck Golden.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve Case # 3278 for a special permit.

**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. **He will not be extending the nonconforming setbacks.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The property abuts Lowes**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **The addition is for the mother.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Proper permits for water and sewer will be issued**
5. That the public convenience and welfare will be substantially served with the proposal. **Provide additional tax revenue to the town of Weymouth.**

Chuck Golden seconded this motion.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve the Variance for Case # 3278. The lot is undersized and the hardship is the size and shape of the lot.

**Variance Criteria for Approval.** Weymouth Zoning Ordinance Section 120-119A(3).  
The Three Required Findings For Granting A Variance:

***Finding #1: Soil, Shape, Topography***

Owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located.

- The board must also find that the peculiarity is unique to the zoning district where the parcel is located.
- The peculiarity must not be found in the district as a whole.

***Finding # 2: Hardship***

A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise.

***Finding # 3: Public Good***

Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance or bylaw.

Chuck Golden seconded this motion.

VOTED UNANIMOUSLY

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

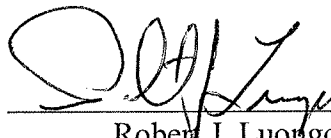
**BOARD OF APPEALS**

April 14, 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 Cayla & Daniel Ahern, 76 Fuller Road, Weymouth, MA 02191, affecting the rights of the owner with respect to land or buildings at 76 Fuller Road, also shown on the Weymouth Town Atlas Sheet 8, Block 110, Lot 18, 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 # 3278

Date of Hearing: 3/9/2016, 3/30/2016