

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT
93 KING COVE BEACH ROAD**

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

Owner: Steven Rigo
Address: 93 King Cove Beach Road
Weymouth, MA 02191

Date: January 8, 2016

Applicant: Steven Rigo
Address: 93 King Cove Beach Road
Weymouth, MA 02191

Case #: 3264

Representative: N/A

Site Address: 93 King Cove Beach
Road

Sheet: 6

Block: 55

Lot: 28

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2016 JAN -8 AM 8:46

Zoning District: R-1

Board of Zoning Appeals application filed on September 22, 2015

After a public hearing on November 4, 2015, advertised in the Weymouth News on October 21, and October 28, 2015, the Board of Zoning Appeals at its meeting of November 4, 2015

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance 120-40 Extension or Change of Non-Conforming Use, to allow for construction of a ~250 SF addition to the second floor of an existing single family dwelling.

Special Permit Criteria for Approval.

1. The specific site is an appropriate location for such a use. **The applicant will not encroach in the nonconforming aspects of the lot.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **One hour fire rating materials will be used on and there will be no windows on the south side of the addition**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **There is adequate parking on the lot.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **One hour fire rating materials will be used on the south side and there will be no windows on the south side of the addition**
5. That the public convenience and welfare will be substantially served with the proposal. **It will bring additional revenue to the town through taxes.**

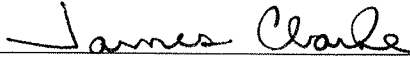
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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 January 8, 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.



James Clarke, Director of Planning and Community Development

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, November 4, 2015

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

Also Present: Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary
James Clarke, Planning Director

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:07 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

New Business:

1. Case #3264 – The petitioner, Steven Rigo, for property located at 93 Kings Cove Beach Road, also shown on the Weymouth Town Atlas sheet 6, block 55, Lot 28, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-40 Extension or Change by Special Permit

Presently located on the premises is a single-family residential dwelling on a 4,616 SF lot. The petitioner is proposing to construct a ~250 SF second floor addition within the side yard setback and partially in the flood zone.

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

Ed Foley made a motion to open the public hearing on Case #3264, 93 Kings Cove Beach Road and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the legal notice on Case # 3264, 93 Kings Cove Beach Road and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the board was Steven Rigo and he stated that he purchased the house about 1 year ago, he would like to extend the roof line to the front of the house on the second floor for a master bedroom.

Eric Schneider said he met with Mary Ellen Schloss regarding her memo and she has withdrawn her requirement of the Conservation process.

Ed Foley asked if he was staying within the existing footprint of the building and the applicant stated yes.

Jim Clarke stated that the Building Department had a comment regarding the fire rating of the material on the south side. The plans already show no windows on that side so it should be approved as per plans.

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 #3264, 93 King Cove Beach Road and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve Case #3264 for a special permit under Section 120-40 Extension or change of non-conforming use for a 250 square foot addition to the second floor of an existing 1,280 square foot home. The addition will complete the existing partial second floor. They will not encroach on the nonconforming aspects of the lot. There will be no windows on the south side as referenced in the plan and all materials used will have a one hour fire rating.

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 applicant will not encroach in the nonconforming aspects of the lot.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **One hour fire rating materials will be used and there will be no windows on the south side of the addition**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **There is adequate parking on the lot.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **One hour fire rating materials will be used on the south side and there will be no windows on the south side of the addition**
5. That the public convenience and welfare will be substantially served with the proposal. **It will bring additional revenue to the town through taxes.**

Jonathan Moriarty seconded.

VOTED UNANIMOUSLY

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

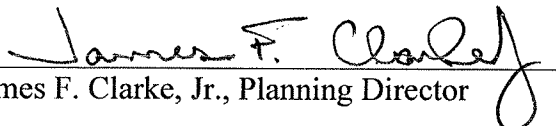
BOARD OF APPEALS

January 8, 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 Steven Rigo, 93 King Cove Beach Road, Weymouth, MA 02191, affecting the rights of the owner with respect to land or buildings at 93 King Cove Beach Road, also shown on the Weymouth Town Atlas Sheet 6, Block 55, Lot 28, 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 Deree, Town Clerk

Case # 3264

Date of Hearing: 11/4/2015