

TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2016 JAN 13 AM 10:53

TO BE COMPLETED BY STAFF

Case Number: #3276

Town Clerk Stamp

Submittal Accepted: ELIC S

Date 1/13/16

Signature of Planning Dept. Staff for minimal requirements

Determined to be complete and may now be filed with Town Clerk:

Signature of Principal Planner or Director

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 28 Pond STREET

Assessor's Map Sheet, Block, & Lot: Sheet 49, Block 555, Lot 10

Zoning District: R-2

Overlay District: \_\_\_\_\_

OWNER OF RECORD (S) (print & sign): Charles Cocce

(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: 83 Setterland Farm Rd, Hanover, MA 02339

Norfolk County Registry of Deeds Book and Page No. \_\_\_\_\_

Or registered in Land Registration Office under Certificate No. \_\_\_\_\_

NAME OF APPLICANT (S) (print & sign): Charles Cocce

Applicant's Address: 83 Setterland Farm Rd, Hanover, MA 02339

Contact Information: Email Cocce@comcast.net Phone 781-249-5924

Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐

NAME & AFFILIATION OF REPRESENTATIVE: James Leahy

Address: 11 Mooring Circle, Plymouth, MA

Contact Information: Email JLeahy1952@hotmail.com Phone 508-887-2107

NAME OF ENGINEER AND / OR ARCHITECT: Shawn Malloy 617-319-9558  
(CBT Advisor)

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.

Charles Cocce 12/30/15  
Applicant / Petitioner - Date (sign & print)

**NATURE OF REQUEST**

Application is for: ☒ Special Permit ☒ Variance ☐ Amendment Other: \_\_\_\_\_

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

120 - 13.3 A

The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the benefit of plan to accurately advertise the application before the Board.

**PETITIONER'S DESCRIPTION AND NARRATIVE:**

To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

Four family, 2250 sq ft. 2 studio apts, 2-1 bedroom apts

wooden structure built approx 1875. No sprinkler system.  
Full Attic space, unfinished with walk-up access.

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

Add 723 sq ft.  
Addition of third floor rental unit, Remove and replace existing roof rafters and construct shed dormer while reinforcing floor/ceiling joists with dimensional lumber or CWP I-beam. Install whole house sprinkler system.

3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).

13.2 + 22.5?

4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).

1972 B of A #1301 Approval was given to convert 12 room 2 family house to 4 unit building

5. Any other additional information as relevant to the Variance or Special Permit:

## ZONING COMPUTATION WORKSHEET

(To be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

Data	Required	Existing	Proposed
Use			
Lot Area / Size (Sq. Ft.)			
Dwelling Units		4	5
Frontage (ft.)			
Lot Width (ft.)			
Front Yard Setback (ft.)			
Front Yard Setback (ft.) - corner lots			
Side Yard Setback (ft.)			
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)			
Height (ft.) & # of Stories			
Lot Coverage			
Off-Street Parking Spaces		10	10
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
Signage			
Other:			

## SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

### SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit **only** if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.

*Yes - The house has been used as a multi-family for many years and as a 4 family for over 40 years*

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

*NO - The entire Independence Square area has been and is currently multi-unit and business units. The expansion to 5 units would not be detrimental or inappropriate to the neighborhood.*

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

*NO*

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

*NO - Contacted DPW - WATER Dept to confirm that proper water pipe size currently exists*

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

*Yes*

SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS

**Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use**

**(Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")**

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

**EXTENSION OR CHANGE FINDINGS OF FACT:**

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):

*The current ratio of livable space compared with gross floor area and compared to lot size (8800 sq ft) is non-conforming for R-2 zoning ordinance*

2. Indicate how long the nonconforming aspects of the structure have been in existence:

*1972*

3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.

*yes*

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

*The lot allows for 10 parking spaces. Adding an entire building sprinkler system based on consult / approval from Fire Dept. Also, proposed expansion will be only vertical expansion*

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

*10 - current and proposed*

6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

*Structure and use are consistent with entire AREA*

## VARIANCE APPLICATION

To be completed for Variance applications only.

### VARIANCE FINDINGS OF FACT:

Criteria for approval. The Board may approve any such application for a Variance **only** if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.

*Since purchasing the building over 4 yrs ago, I have invested significant money to upgrade the building, but more renovations are necessary in all units. R-2 codes will require sprinkler system for entire building. The added unit will help defray the cost without causing detriment to public.*

Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

*Work being proposed will only be to add vertical 15' dormer, but stay within current plot lines and setbacks, therefore will not derogate from current zoning usage in neighborhood. Sprinkler system will make building safer for neighbors too.*

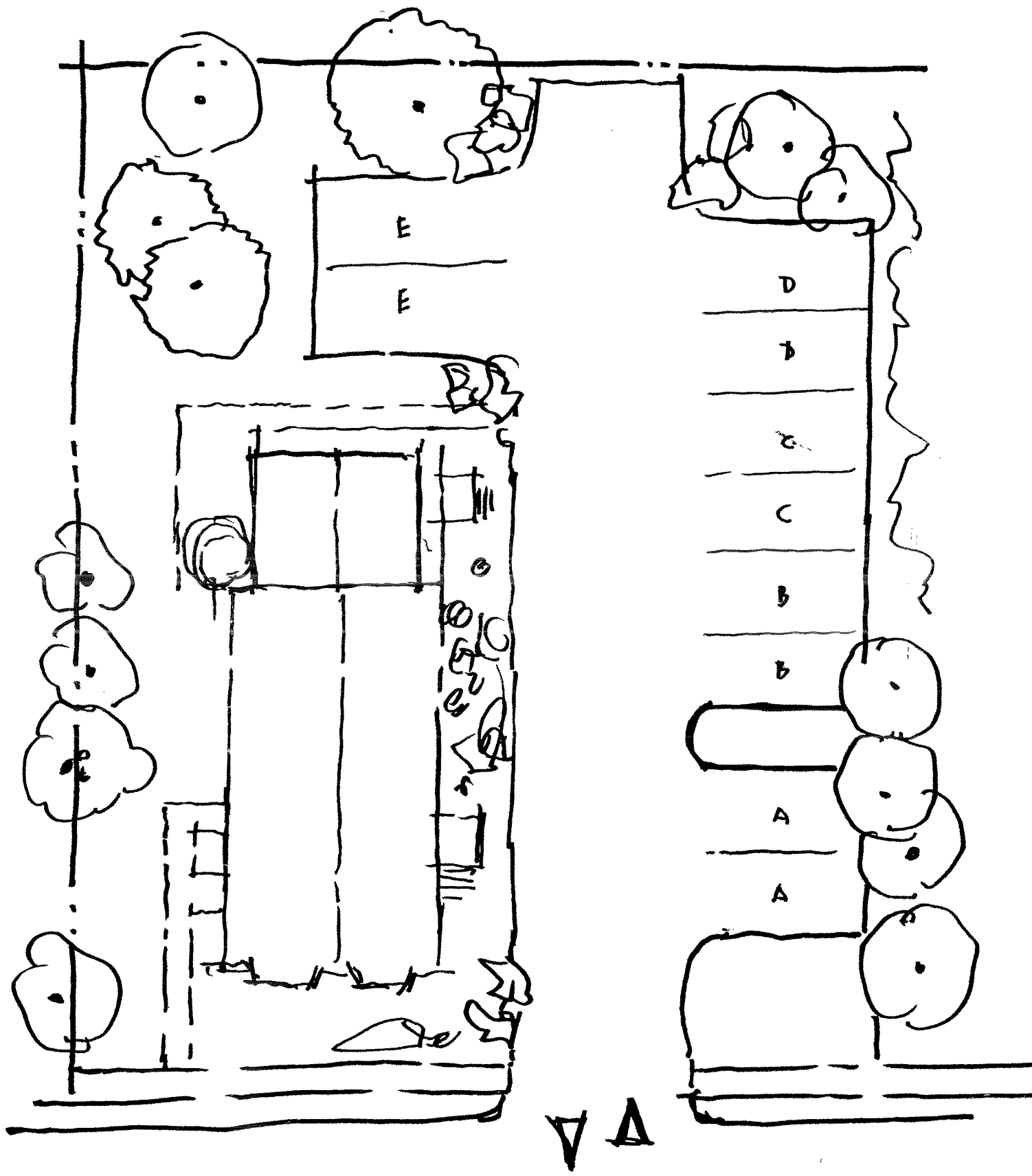
3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

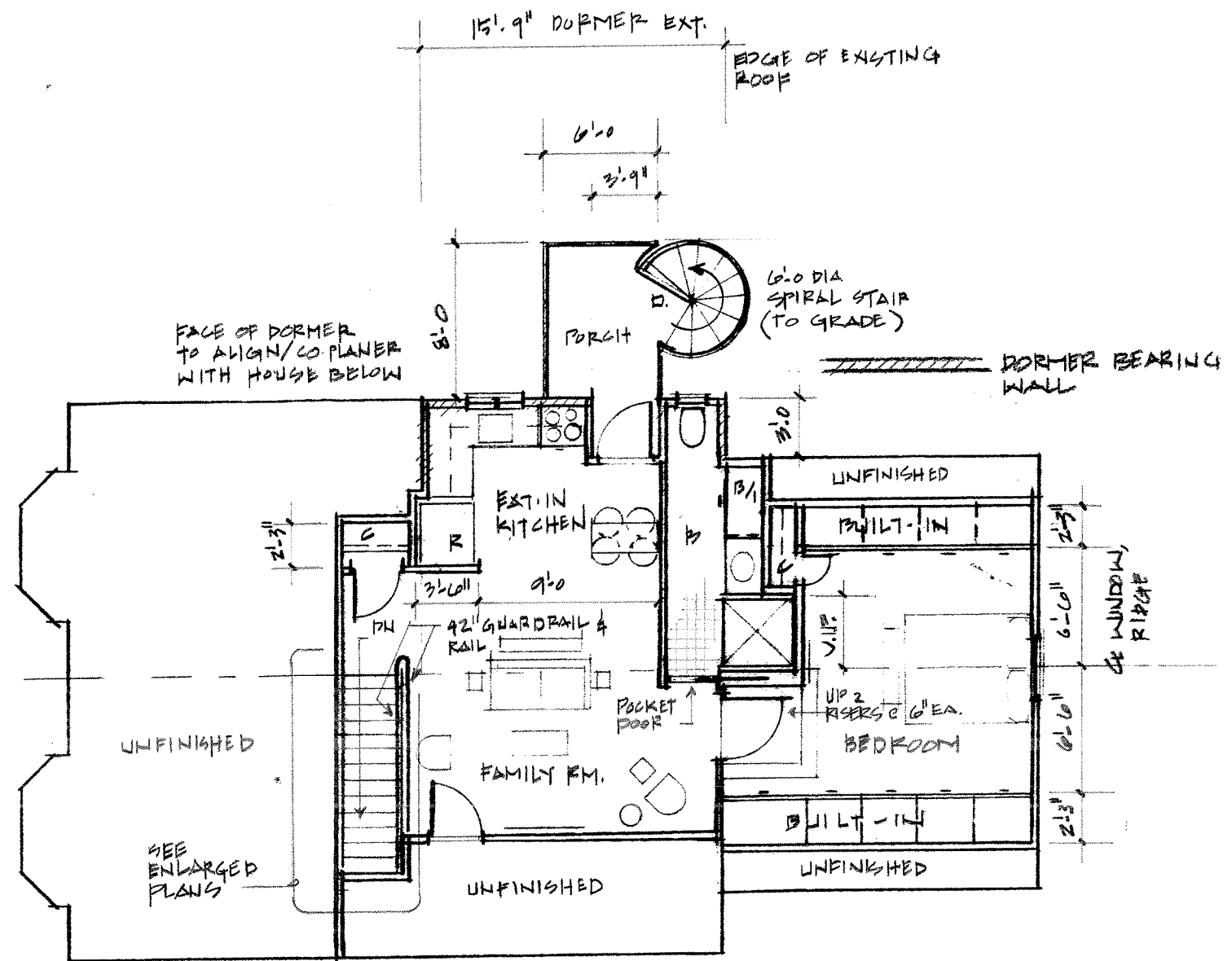
*Addition of one unit is consistent with other structures on the street. Many buildings are 5, 6, and 7 units. Retro fitting building with sprinklers would increase public safety.*

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

*I Am requesting the smallest incremental increase*

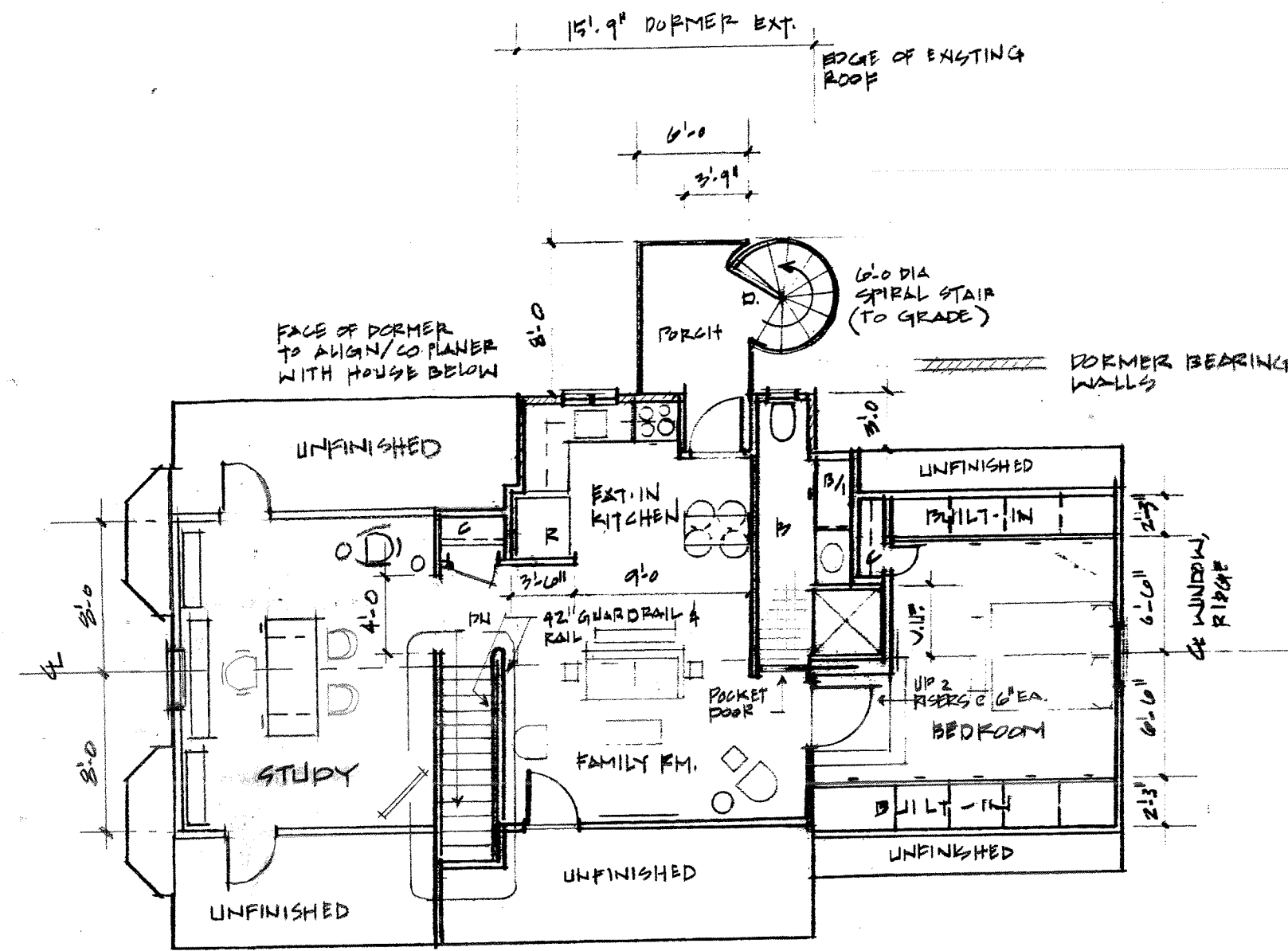
NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.



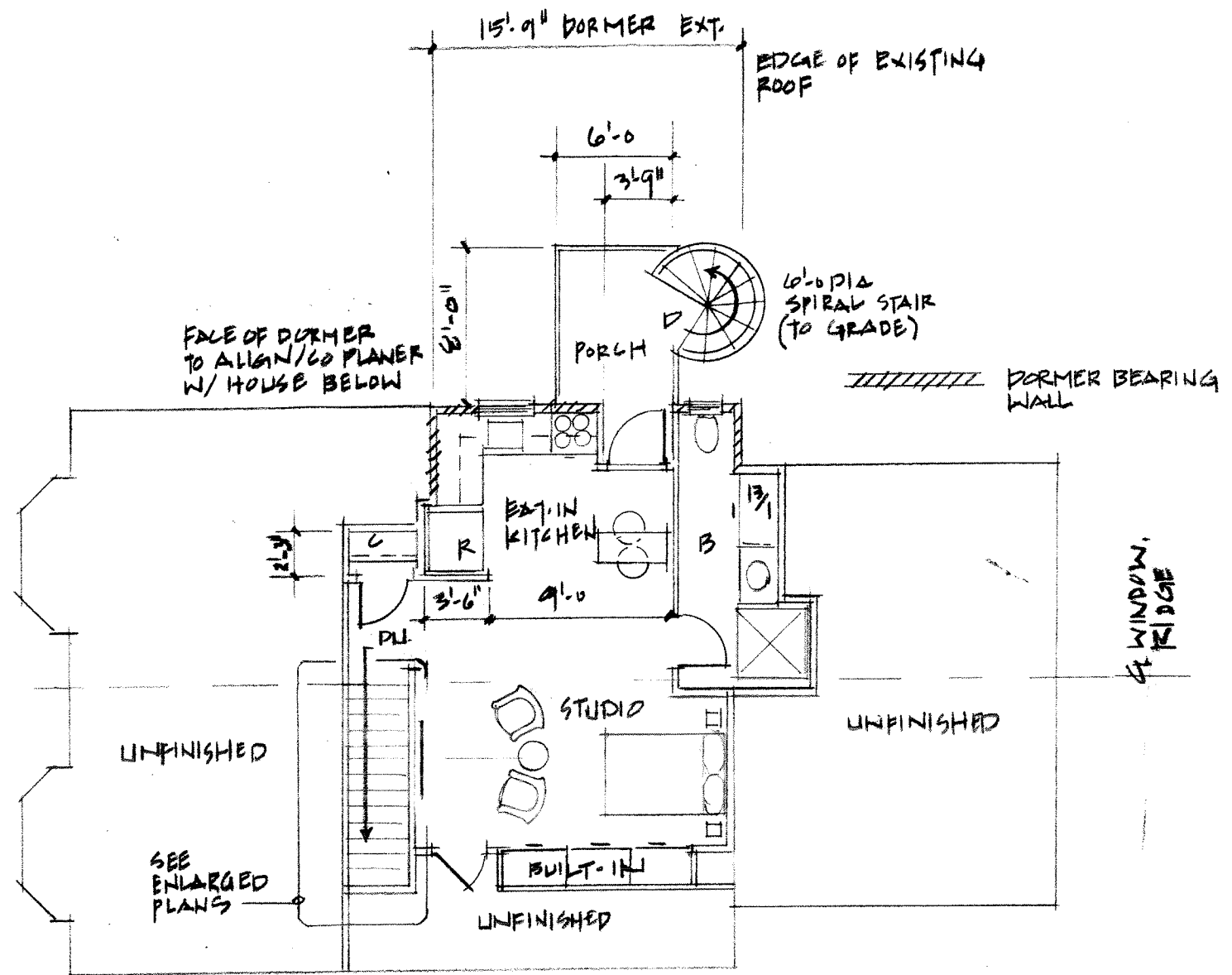


FLOOR PLAN 1/8" = 1'-0"

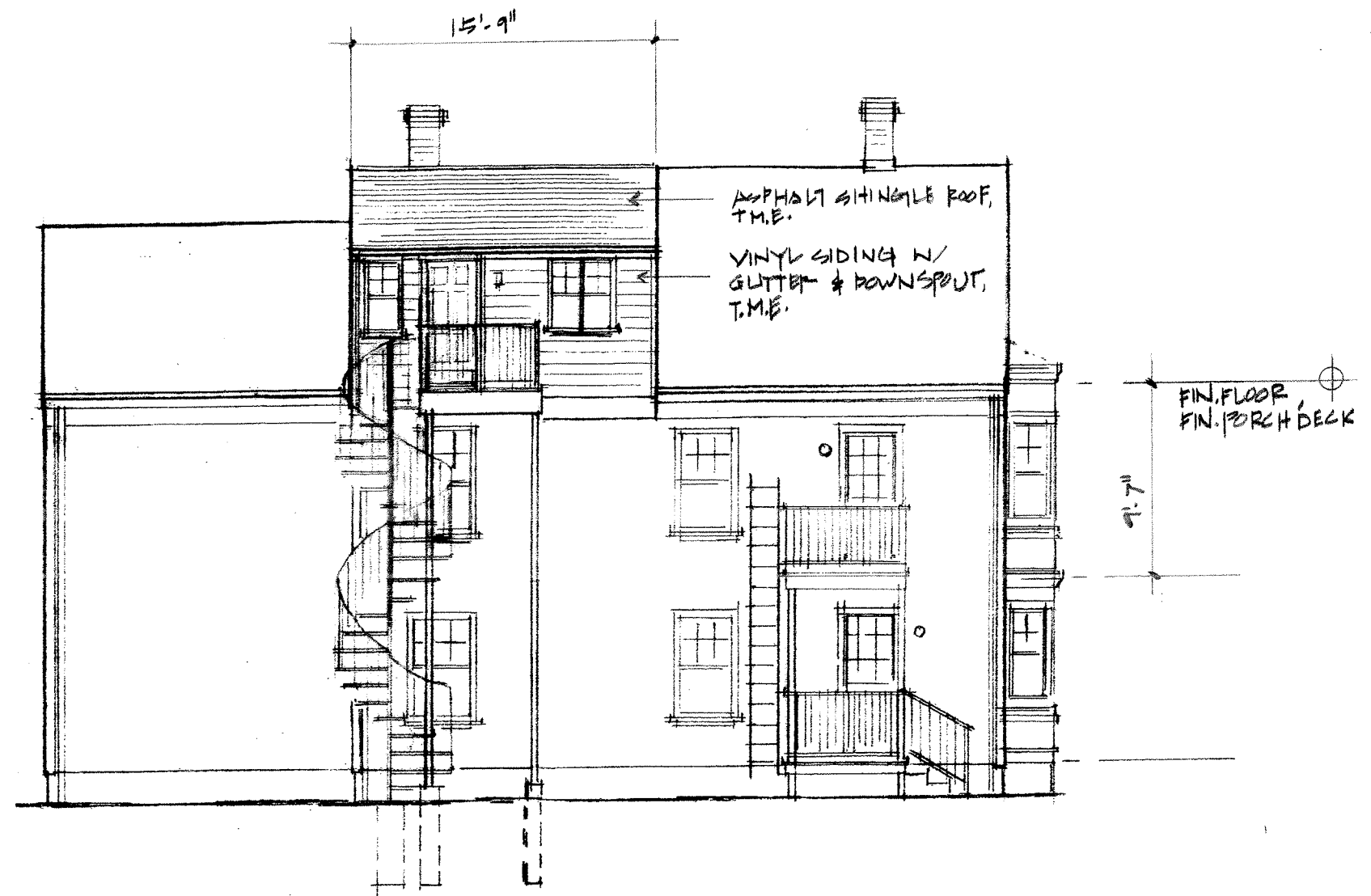




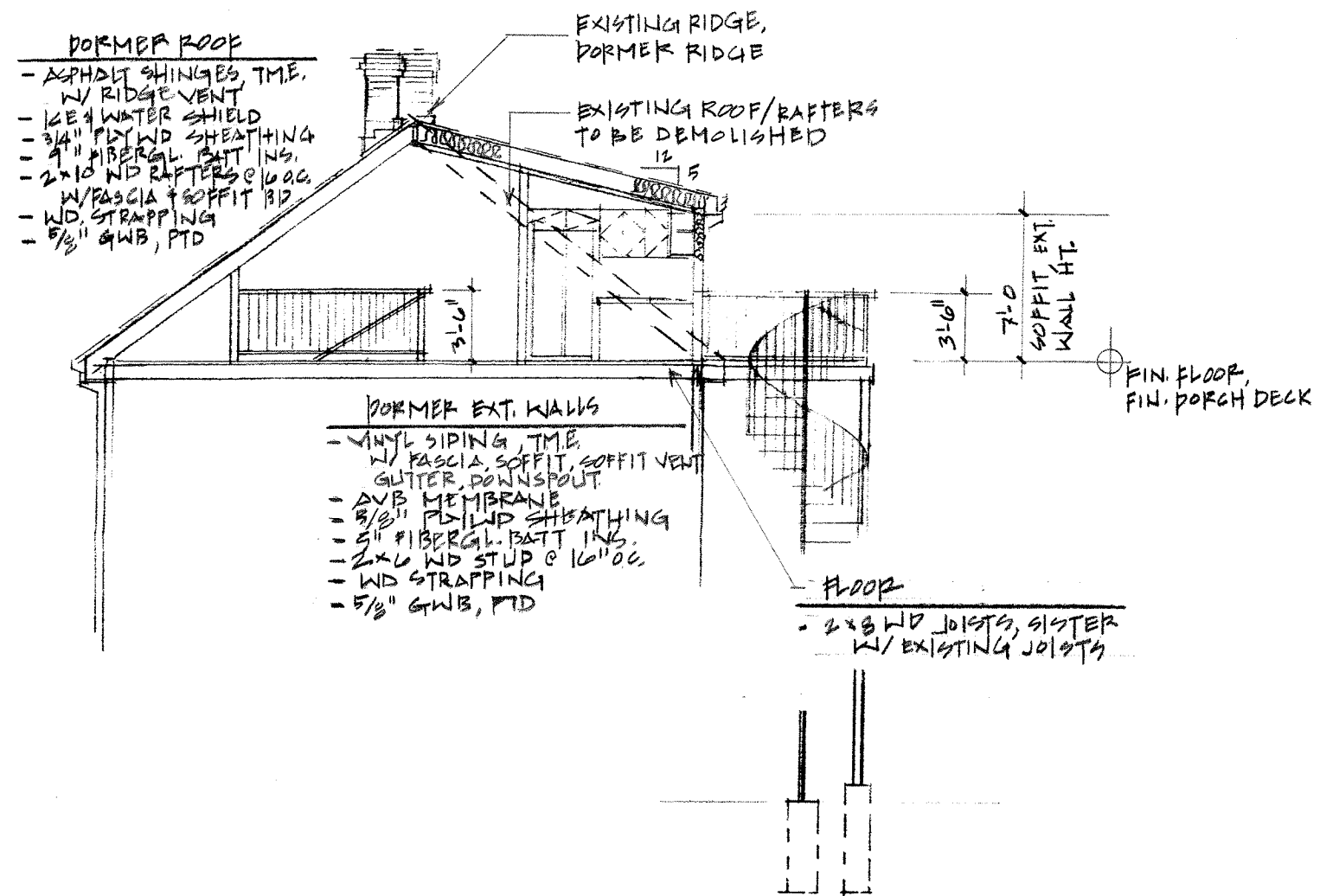
EXPANDED FLOOR PLAN 1/8" = 1'-0"



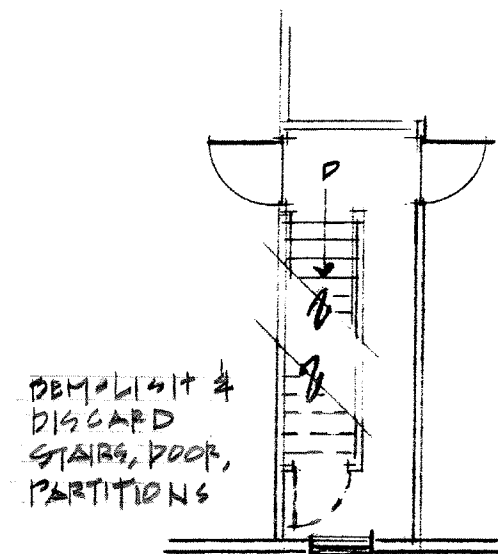
STUDIO FLOOR PLAN 1/8"=1'-0"



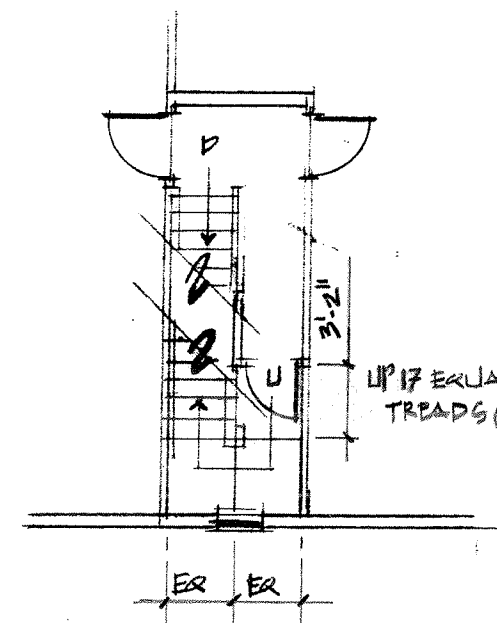
SIDE ELEVATION 1/8" = 1'-0"



BUILDING SECTION 1/8" = 1'-0"



PARTIAL DEMOLITION PLAN 1/8" = 1'-0"



PARTIAL FLOOR PLAN 1/8" = 1'-0"

