

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
Wednesday, September 26, 2018, 7pm  
McCulloch Building, Mary McElroy Room  
182 Green Street, Weymouth, MA 02191

**Members Present:** Richard McLeod, Chairman  
Kemal Denizkurt  
Paul Koch  
Ed Foley  
Brandon Diem  
**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.

**New Business:**

1. Case #3362 - The petitioner, Aldon Electric, Inc., for property located at 38 Greenwood Avenue also shown on the Weymouth Town Atlas sheet 25, block 335, lot 5, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-40 Extension of an existing non-conforming use or structure existing commercial use is pre-existing nonconforming in the R-1 Zone).

At present the property is being used as an electrical contractor's yard, with an office building, attached work shop, storage building and parking lot. The applicant seeks to pave the existing gravel parking lot with black top.

The applicant was not present this evening.

Mr. Foley made a motion to continue the public hearing on Case #3362 to October 17, 2018 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

2. Case #3363 - The petitioner, Thomas Tasney, for property located at 51 Fort Point Road also shown on the Weymouth Town Atlas sheet 2, block 9, lot 5, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance to raise the existing home on pilings to be above the Base Flood Elevation:

Special Permit: 120-40 Extension of an existing non-conforming use or structure  
120-38.3(1) Construction within an AE Flood zone

Presently located on the property is a single-family dwelling with a ~919 SF footprint. The applicant seeks to raise the foundation to be above the FEMA flood zone elevation.

Mr. Foley made a motion to open the public hearing on Case #3363 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Tasney appeared before the board. Mr. Tasney stated that he is looking to raise his home above the flood plain because his home was damaged.

Mr. Schneider stated that the applicant is looking to use the existing structure and put it on concrete pilings. The second floor will be squared off with a flat roof and deck.

Mr. Tasney stated that he will stay within the existing footprint.

Mr. Foley noted that this case has been before the Conservation Commission. Mr. Tasney noted that the case before the Conservation Commission is completed and has been recorded with the Registry of Deeds.

Mr. Denizkurt asked about the squaring off of the building.

Mr. Tasney stated that the current structure has an A-frame roof which will be squared off.

Mr. McLeod asked if there was anyone present who would like to speak. There was no response.

Mr. Foley made a motion to close the public hearing and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3363.

#### SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

Mr. Foley added that all conditions of the Conservation Commission dated September 14, 2018 must be met.

Mr. Schneider stated that if the Conservation Commission conditions have been recorded with the Registry of Deeds it will be added to the case filing. The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

3. Case #3365 - The petitioner, Christopher Newman, for property located at 55 Fort Point Road also shown on the Weymouth Town Atlas sheet 2, block 9, lot 7, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-38.3(1)	Construction within an AE Floodzone
Variance: Table 1	Dimensional Relief: Width at building line, side and front setbacks, lot coverage, and height.

Presently located on the property is a storm-damaged single-family dwelling. The applicant seeks to demolish the existing structure and construct a new single-family dwelling with a new foundation, to be raised above the FEMA flood zone elevation.

Mr. Foley made a motion to open the public hearing on Case #3365 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Trudeau, contractor, appeared before the board with Mr. Newman, the applicant.

Mr. Trudeau stated that the home will be demolished and rebuilt. The storms over the past few years have taken its toll on the existing structure.

Mr. Foley noted that the applicant is not staying within the current footprint.

Mr. Trudeau stated that they will be staying within 3% of the footprint.

Mr. Schneider stated that per town regulations, since the structure is being replaced, the applicant needs to re-establish the non-conformity of the lot.

Mr. Trudeau stated that the seawall replacement will be built 10 feet closer to the property.

Mr. Denizkurt noted that there were letters in favor of this application.

Mr. McLeod noted that there was no one present for public comment.

Mr. Foley made a motion to close the public hearing and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3365.

#### SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

#### VARIANCE

Mr. Foley made a motion to approve this application for a variance because the applicant showed a hardship in the size, shape, and topography of the lot as well as the installation of the new seawall in front of the house and is not significantly increasing the setbacks. 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 with the condition that all Conservation Commission conditions be met.

The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

#### Minutes: 6/27/2018, 7/25/2018

Mr. Foley made a motion to approve the minutes from June 27, 2018 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Foley made a motion to approve the minutes from July 25, 2018 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

**Upcoming Meetings:** October 17, 2018, November 7, 2018, November 28, 2018, December 12, 2018.

#### ADJOURNMENT

Mr. Foley made a motion to adjourn at 7:30 pm and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Approved by:

Mr. Denizkurt, Clerk



11-7-18

Date