

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS

November 28, 2018
McCulloch Building, Mary McElroy Room
182 Green Street, Weymouth, MA 02191

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Brandon Diem

Not Present: Ed Foley

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.

Mr. McLeod informed the applicants present that there were only four (4) board members present this evening. Any applicant may request a continuance to a future date when there are five (5) members present. The applicants chose to go forward with four (4) members.

New Business:

1. **Case #3367** - The petitioner, Paradeep Gidda for property located at **143 Wessagussett Road** also shown on the Weymouth Town Atlas sheet 4, block 36, 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: 120-41 Exception to limitation on restoration by Special Permit

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. Moriarty made a motion to open the public hearing on Case #3367 and was seconded by Mr. Denizkurt. Motion PASSED 4-0.

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. Motion PASSED 4-0.

Mr. Gidda appeared before the Board. He stated that the house was knocked off its foundation in March 2018. It will be rebuilt on pillars with the area below open for a garage for parking. The new structure will be the similar to the one being demolished.

Mr. Diem noted that there should be some type of break-away panels for screening around the garage area beneath the home. He expressed concern that allowing the area beneath the home to remain open could change the character of the neighborhood over time as more homes are rebuilt.

Mr. Diem asked where the utility room would be located. Mr. Gidda stated that it will be inside the home. Mr. Diem pointed out that it is not identified on the plans.

Mr. Gidda stated that the home has received Federal Emergency Management Agency (FEMA) approval.

Mr. Denizkurt noted that the height of the house is under 35'.

Mr. Schneider asked the applicant if they have completed the Conservation Commission process. The applicant stated that he has. Mr. Schneider added that the applicant must comply with these conditions and file the documents at the Registry of Deeds as required.

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

Mr. Moriarty made a motion to close the public hearing and was seconded by Mr. Denizkurt. Motion PASSED 4-0.

Mr. Kemal made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3367.

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 following conditions will apply:

1. The applicant will comply with the Order of Conditions by the Conservation Commission.
2. The plan will be stamped.

The motion was seconded by Mr. Moriarty. Motion PASSED 4-0.

2. **Case #3368** - The petitioner, Lauren Brouillette for property located at 44 Revere Road also shown on the Weymouth Town Atlas sheet 26, block 345, Lot 4,

located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-41 Exception to limitation on restoration by Special Permit

Presently located on the property is a fire-damaged single-family dwelling. The applicant seeks to demolish the existing structure and construct a new single-family dwelling with associated deck, retaining walls, walkways, landscaping and fencing.

Mr. Moriarty made a motion to open the public hearing on Case #3368 and was seconded by Mr. Denizkurt. Motion PASSED 4-0.

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. Motion PASSED 4-0.

Ms. Brouillette and Mr. Briere, the applicants, appeared before the board with Deborah Keller, Senior Project Manager, Merrill Engineers and Land Surveyors.

Ms. Keller stated that the lot is non-conforming due to lot area and set back. She stated that the new structure will 50 square feet less than the one being demolished. The area will be reduced from 1497 square feet to 1444 square feet.

They will be staying within the main foot print and the height will not be greater than 35'. She added that the street frontage is higher as the property slopes down to Whitman's Pond.

The retaining wall facing the pond will be comprised of stone. The street-side wall will be block module walls. This will minimize surface runoff.

Mr. McLeod asked if there was anyone present who would like to speak. There was the following comments.

Dave Burke, 46 Revere Road, appeared before the Board. He stated that he was not aware that the house would be going up a second floor. Ms. Brouillette stated that the house was only increasing by a half story as they are using the existing attic space.

Mr. McLeod stated that the height of the dwelling is within zoning bylaws.

Mr. Moriarty made a motion to close the public hearing and was seconded by Mr. Denizkurt. Motion PASSED 4-0.

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3368.

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 following conditions will apply:

1. The applicant will comply with the Order of Conditions by the Conservation Commission.
2. The existing 3/4" water service will be upgraded to 1.5".

The motion was seconded by Mr. Denizkurt. Motion PASSED 4-0

Minutes: 11/7/2018

Mr. Moriarty made a motion to approve the minutes from 11/7/2018 and was seconded by Denizkurt. Motion PASSED 4-0.

Upcoming Meetings: December 12, 2018, January 23, 2019

ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 7:50pm and was seconded by Mr. Denizkurt. Motion PASSED 4-0.

Approved by:

Mr. Denizkurt, Clerk



12-12-18

Date