

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

June 5, 2019

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

TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2019 JUL -3 AM 9:10

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
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.

Old Business:

1. **Case #3387** - The petitioner Ryder Development Corp., for property located at **341 & 351 Ralph Talbot St** also shown on Weymouth Town Atlas sheet 43, block 500, lots 11 & 82, located in the R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance - 120-51 Schedule of District Regulations - Table (minimum lot width)

A single family dwelling is under construction on each lot. The petitioner seeks to realign the internal lot line so to make the dividing line as straight as possible and move the line so it doesn't cross directly in front of one of the houses.

Mr. Foley made a motion to open the public hearing on Case #3387 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. Ryder stated that he is requesting an adjustment of the lot lines for 341 and 351 Ralph Talbot Street. He pointed out that with the proposed change, each lot would have 100 feet of frontage and still be 25,000 SF lots. He added that this new configuration would work better

Mr. Foley asked what the hardship would be.

Mr. Ryder stated that the hardship would be that with the way the lots are divided, it is not consistent. If a fence were to be installed it would be difficult to do.

Mr. Denizkurt pointed out that moving the lines allows proper access to Parcel B. The existing curb cut and hydrant would be better aligned.

Mr. Schneider stated he agreed with the applicant that making this adjustment will avoid future issues with fencing the property.

Mr. McLeod stated that the shape of the lot is creating the hardship.

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 VARIANCE for Case #3387.

VARIANCE

Mr. Foley made a motion to APPROVE this application for a variance because the applicant has shown a hardship with the shape of the lot, and the location of the curb cut, and hydrants. 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. The motion was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

2. **Case #3385** - The petitioner Jeffrey Nussbaum, for property located at **390 Union Street** also shown on Weymouth Town Atlas sheet 55, block 575, lot 2, located in the R-1 Watershed Protection Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance - 120-12 (height of garage limited to 14 feet at highest point)

The subject property is 49,798 sf with an existing single family home. Petitioner seeks to construct a new three car garage on the property with a mean grade to peak height of 21 feet 5 7/8 inch which is in excess of 14 feet maximum height.

Mr. Schneider stated that Mr. Nussbaum has withdrawn the application.

New Business:

1. **Case #3388** - 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

Previous approval by Board of Zoning Appeals was appealed abutters. The parties have agreed to a new plan and the Land Court has remanded review of the new plan back to the Board of Zoning Appeals.

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. Foley made a motion to open the public hearing on Case #3388 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

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

Mr. Amendolare, attorney, appeared before the Board with the applicant with Lauren Brouillette. He stated that the house was damaged by fire in May of 2018. The applicant received approval from the Board in November to rebuild but that decision was appealed by abutters. He added that plans before the Board are the same as approved in November except the height has been decreased to 21 feet from the mean grade. It is a one-story single-family home with a small attic space.

Mr. Foley asked why the deed restriction was not presented at the original hearing. Ms. Brouillette stated that at that hearing she had believed, in good faith, that they were in compliance with the deed restriction in building a 1 ½ story home, not a full two-story home.

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

Amy Burke, 46 Revere Road and a direct abutter to the lot, stated that she has no objections as long as the agreed-upon plan is adhered to.

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

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3388.

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, utilities 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:

- The conditions from the previous approval still apply.
- The architectural plan dated 4/29/19 will be adhered to.

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

Minutes: NONE

Upcoming Meetings: June 26, 2019

ADJOURNMENT

Mr. Foley made a motion to adjourn at 7:45pm and was seconded by Mr. Moriarty.
UNANIMOUSLY VOTED.

Approved by:

Mr. Denizkurt , Clerk



6-7-19

Date