

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

June 24, 2020, 7:00 p.m.

VIRTUAL

Cisco Webex Meetings

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TOWN OF WEYMOUTH
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Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Ed Foley
Brandon Diem

Also Present: Robert Luongo, Director of Planning
Eric Schneider, Principal Planner
Monica Kennedy, Assistant 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 #3413** - The petitioner, Diane Pompeo-Maltby, for property located at **126 Wessagusset Rd.** also shown on Weymouth Town Atlas sheet 4, block 49, lot 1, located in the R-1 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
Variance	Table 1 District Regulations (number of stories)

The subject property is 2,173 SF lot containing a condemned 718 SF single family dwelling with attached decks and porch. It is currently sited over the neighbor's property line and has nonconforming setbacks on two sides. Petitioner seeks to demolish existing structure and rebuild an elevated 2,023 SF home. Dwelling will be three (3) stories but under the 35 ft max height.

Mr. Foley made a motion to re-open the public hearing on Case #3413 and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

Mr. Phil Baker spoke on behalf of the applicant. He stated that there was a community meeting that was well-attended. Residents expressed concern that the previous owner had impeded onto Town property with his personal belongings. He pointed out that the current owners will not store their personal items on town property.

Mr. Baker stated that the third floor is actually a half-floor with knee walls, a bedroom, and a deck.

Mr. Baker noted that the applicant went before the Conservation Commission last night

Mr. McLeod asked if this revised application had been routed to Town departments.

Mr. Schneider stated that they had and that he had spoken with the Building Inspector and it is their opinion that this is a full three-story building and will require a variance. There is a high bar for establishing the criteria for a variance. The only sticking point is that the granting of a variance could be used as a precedence.

Mr. McLeod stated that the Board has been strict about granting variances. He stated that although it is a nice project, the applicant is creating own hardship by going the extra floor up. Although it has the half-wall, it is considered a third floor according to the Building Department.

Mr. Schneider stated that the applicant could challenge the decision of the Building inspector.

Mr. Baker pointed out that they have tried to design a home that is not covering the entire lot as structure currently located on the site.

Steve Gard commented that this is a pre-existing non-conforming and this design intensifies the non-conforming, and it is in keeping with the neighborhood. He pointed out that they can't build outward or to the sides, they need to build up. As such, that is the hardship.

Mr. Gard stated that in 1999, the property at 127 Wessagusset Road was allowed to add a third floor bedroom.

Mr. schneider stated that the property at 127 Wessagussett Road was granted relief as a special permit under 120-40 continuation/extension of non-conforming.

There was extended discussion regarding the definition of a story.

Mr. Schneider read the official definition of a half-story according to the town's zoning ordinance: *"any story which is under a pitched roof or the point of intersection of the rafters and the face of the wall that is less than three feet above the floor level."*

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

Councilor Burga stated that the neighborhood meeting went well. She stated that, aesthetically, the home fits into the neighborhood and she would like to see the applicants continue to work at finding a solution.

Carolyne Greene, 127 Wessagussett Road, stated that the project is aesthetically pleasing. She expressed concern that if this variance were to be approved, it would set a precedence for other variances.

Margaret Mascaro, 73 Wituwamat Road, stated that this is a great house. She added that she wants to make sure that there is still a public opening for the beach.

Mr. Baker asked the Board to continue the hearing.

Mr. Foley made a motion to CONTINUE the public hearing to July 22, 2020 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Other Business

1. Minutes: June 3, 2020

Mr. Foley made a motion to approve the minutes from June 3, 2020, and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

2. Upcoming Meetings: July 22, 2020

3. ADJOURNMENT

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

Approved by:
Mr. Denizkurt, Clerk



8-24-20
Date