

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON SPECIAL PERMIT  
15 CANACUM ROAD**

(To be mailed forthwith to the owner and applicant, if not the owner.)

**Owner:** Bosco Properties LLC  
**Address:** 350 Washington Street  
Norwell, MA 02061

**Date:** July 9, 2015

**Applicant:** Brent May  
**Address:** 35 Pilgrim Village Road  
Taunton, MA 02780

**Case #:** 3256

**Representative:** None

**Site Address:** 15 Canacum Road  
**Sheet:** 3  
**Block:** 2  
**Lot:** 21

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2015 JUL -9 PM 2:28

**Zoning District: R-1 (Residence, Low Density / Single-Family)**

Board of Zoning Appeals application filed on May 14, 2015.

After a public hearing on June 17, 2015, advertised in the Weymouth News on June 3 and June 10, 2015, the Board of Zoning Appeals at its meeting of June 17, 2015

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Article XIII, Section 120-40, Extension or change of an existing non-conforming use or structure, to grant relief for the petitioner to raise the height of the second floor walls to increase the head-room in an existing single-family dwelling, with no change to the present footprint; as shown on a Plot Plan drawn by Borderland Engineering, Inc., stamped and signed by Gregory A. Bunavicz, PLS, dated 4/17/2015.

**SPECIAL PERMIT FINDINGS:**

1. The specific site is an appropriate location for such a use.  
*The use is remaining a single family home*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.  
*He is retaining the basic form of the home, just decreasing the pitch of the roof, the overall height of the existing roof line is unchanged.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.  
*This would correct the nuisance since it has been an abandoned property*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.  
*It is serviced by all the utilities a home would normally have*
5. That the public convenience and welfare will be substantially served with the proposal.

**CONDITION:** No future development to the roof, roof deck or lookout be added.

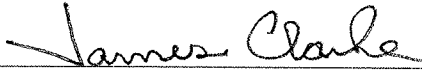
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

After the twenty (20) day appeal period has passed, the Town Clerk will send to the petitioner: (1) the certificate that no appeal was filed, (2) the certificate of granting of variance and/or special permit, and (3) the Record of Proceedings. The petitioner shall record these documents with the Norfolk Registry of Deeds, Dedham, MA, with the appropriate filing fee.

When a receipt from the Registry of Deeds is presented to the Building Inspector (to show that the decision has been recorded), the proper permit will be issued.

Decision filed with the Town Clerk on JULY 9, 2015

IMPORTANT: Notice is further given that any person aggrieved by this decision may appeal, according to MGL Chapter 40A, Section 17, and said appeal, if any, must be filed with the Town Clerk within twenty (20) days after the filing of the decision with the Town Clerk.



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James Clarke, Director of Planning and Community Development

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, June 17, 2015**

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

**Also Present:** Jim Clarke, Director of Planning  
Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:05 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

**Case # 3256** – Brent May, for property located at 15 Canacum Road, also shown on the Weymouth Town Atlas Sheet 3, Block 2, Lot 21, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Article XIII Section 120-40 Extension or change of an existing non-conforming use or structure

Presently located on the premises is a single-family residential dwelling on a ~4765 SF lot. The petitioner is proposing to raise the height of the second floor walls to increase the headroom; no change to the present footprint.

Sitting Members: Richard McLeod  
Kemal Denizkurt  
Chuck Golden  
Jonathan Moriarty  
Brandon Diem

Chuck Golden made a motion to open the public hearing on Case # 3256 and was seconded by Jonathan Moriarty. Voted unanimously

Chuck Golden made a motion to waive the reading of Case # 3256 and was seconded by Jonathan Moriarty. Voted unanimously

Paul Lameau appeared before the board and stated that he is trying to raise the second floor walls and will not be changing the square footage or the circumference of the house. There

are three dormers on the house now and he would like to raise the outsides of the walls and lessen the pitch of the roof.

Eric Schneider stated he received comments from a neighbor Gail Palmer, 14 Driftway Road who expressed opposition to the existing nonconforming use of the structure.

Jim Clarke stated that the existing ridge line of the roof will not be raised any higher.

The original porch was enclosed and is now a farmer's porch so he lost square footage with that.

Public Comment:

George Mutch – direct abutter, he is concerned as he has not heard about a new deck being added. It was stated that there will be two decks added that are 12 feet and the top one is 8 feet. There has been some fill added to the property. The applicant stated that the fill will be removed it is only being stored there temporarily. He would like to see something done with the property but is concerned about the 12 foot deck. There is no parking and there is no driveway planned.

John Mutch, Driftway – asked if this board would review the additional decking or just the height of the building. It was stated that the deck conforms and is not before them.

Mr. Clarke stated that he will confirm with the building department the status of the deck.

Paul Milone, 10 Canacum Road – He was concerned about the raising of the roof but has worked with Paul on this project and it will not block his view enough for him to be concerned. This will improve the neighborhood.

George Mutch stated other than the deck he is happy there will be improvements to this property.

Chuck Golden made a motion to close the public hearing on Case #3256 and was seconded by Jonathan Moriarty. Voted unanimously

Kemal Denizkurt made a motion to approve Case # 3256 for a special permit under Section 120-122D:

1. The specific site is an appropriate location for such a use.  
*The use is remaining a single family home*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.  
*He is retaining the basic form of the home, just decreasing the pitch of the roof*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.  
*This would correct the nuisance since it has been an abandoned property*
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.  
*It is serviced by all the utilities a home would normally have*
5. That the public convenience and welfare will be substantially served with the proposal.

Jonathan Moriarty added that there be no future development to the roof, roof deck or lookout. Kemal Denizkurt agreed to add this condition. This motion was seconded by Chuck Golden. Voted unanimously

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH


BOARD OF APPEALS

July 9, 2015

Certificate of Granting of Variance or Special Permit  
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Brent May, 35 Pilgrim Village Road, Taunton, MA 02780, affecting the rights of the owner with respect to land or buildings at 15 Canacum Road, also shown on the Weymouth Town Atlas Sheet 3, Block 2, Lot 21, and the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance – special permit, and that copies of said decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

  
James F. Clarke, Jr., Planning Director

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Kathleen Deree, Town Clerk

Case # 3256

Date of Hearing: 6/17/2015