

TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON VARIANCE & SPECIAL PERMIT  
135 CENTRAL STREET

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2015 JAN -2 AM 9: 29

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

<b>Owner:</b>	N. T. Development, Inc.	<b>Date:</b>	January 2, 2015
<b>Address:</b>	323 Commercial Street #4 Braintree, MA 02184		
<b>Applicant:</b>	Norman Preston	<b>Case #:</b>	3247
<b>Address:</b>	N.T. Development 323 Commercial Street #4 Braintree, MA 02184		
<b>Representative:</b>	Attorney Gregory F. Galvin	<b>Site Address:</b>	135 Central Street
<b>Address:</b>	775 Pleasant Street #16 Weymouth, MA 02189	<b>Sheet:</b>	50
		<b>Block:</b>	563
		<b>Lot:</b>	13

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

Zoning Board of Appeals application filed on October 28, 2014.

After a public hearing on December 3, 2014, advertised in the Weymouth News on November 19 and November 26, 2014, the Board of Zoning Appeals at its meeting of December 3, 2014:

VOTED 5-0 TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Article XIII, Section 120-40 "Extension or Change of a Nonconforming Use or Structure" and Article XV, Section 120-58 "Exception for erection on previously recoded lots". The existing lot is under the 5,000 SF minimum required lot size.

VOTED 5-0 TO GRANT THE VARIANCE under Weymouth Zoning Ordinance Article XV, Section 120-51 Dimensional Requirements and Table 1 "Schedule of District Regulations" for relief of 2.25 ft. from the 10 ft. minimum required side yard setback (7.75 ft. proposed).

Presently located on the premises is a ~916 SF one and half story single-family residence with a driveway off of Elinor Road. The petitioner sought to raze the existing dwelling to construct a ~804 SF two story single-family dwelling. The existing structure is nonconforming with respect to the lot size (4,952 SF) and is 6.2 ft. from the westerly side lot line (10 ft. minimum required). The proposed structure will be 7.75 ft. from the westerly side lot line as shown on the plan entitled "Plot Plan of Land for 135 Central Street Weymouth, Massachusetts"; prepared by Peter G. Hoyt of Hoyt Land Surveying; prepared by N.T. Development; dated October 22, 2014.

Board members Richard McLeod, Kemal Denizkurt, Chuck Golden, Johnathon Moriarty, and Brad Vinton voted to grant the Special Permit and Variance based on the following findings with the following conditions:

CONDITIONS:

1. A 324 SF area for two 9' x 18' parking spaces be located off of Elinor Road.
2. The water service shall be replaced with a 1 inch Type K copper service to the main in the Central Street.
3. That the AC sewer service be replaced with a 6 inch PVC service to the main in Central Street or other service and means acceptable to the Department of Public Works.
4. That roof drains be installed in the front and rear of the property.
5. Each side of the driveway be vegetated and the remainder of the lot remain as green space and not be paved.

SPECIAL PERMIT FINDINGS:

Per Article XXV, Section 120-122 D, the Board found that:

1. The specific site is an appropriate location for such a use:

*The property is in the R-1 zoning district and the surrounding neighborhood consists of single-family dwellings on similar sized lots (largely 5,000 SF) and residences are one, one and half, and two story dwellings. There are 14 properties on the block and only two properties are over 5,000 SF (9,952 and 10,000 SF).*

2. The use involved will not be detrimental to the established or future character of the neighborhood or town:

*The proposal to construct a two-story dwelling has a smaller building footprint than the existing one story structure. The proposed footprint is also reducing the encroachment on the westerly side (6.2' setback existing, 7.75' proposed) and curing the nonconforming front yard setback from Elinor Road (17.4' existing, 18' proposed). The applicant stated that the tree at the corner of Elinor and Central Street will remain and will not be removed with this project.*

3. There will be no nuisance or serious hazard to vehicles or pedestrians:

*The petitioner agreed to expand the existing driveway to provide two 9 ft. by 18 ft. parking spaces off of Elinor Road to meet the minimum required parking.*

4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use:

*A residence has existing on the parcel for approximately 80 years with adequate services. The applicant agreed to upgrade the water service to replace the existing ¾" water service with a new 1" Type K copper service to the main in Central Street. The applicant agreed to work with the Department of Public Works (DPW) Sewer Division to provide a sewer service acceptable to the DPW for this project.*

5. The public convenience and welfare will be substantially served:

*The petitioner's proposal will expand the living space by adding a second floor within a similar building footprint as the existing one story dwelling. The dwelling will be 1.5 ft. further from the westerly abutter. The architectural plans show a single family dwelling with an unfinished basement and attic.*

VARIANCE FINDINGS:

Per Article XXIV, Section 120-119 A (3), the Board found that:

1. Owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance would involve substantial hardship, financial or otherwise.

*Eight of the 14 properties (57%) on the Central Street block between Elinor and Georgia Road appear to be noncompliant with side and / or rear yard setbacks. Homes in the area were constructed in the 1920s and 1930s before the current zoning ordinance was adopted in 1969 and subdivision control law was adopted in Weymouth in 1954.*

2. Relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance.

*The proposal is creating a more conforming lot by conforming to the front yard setback from Elinor Road and the new structure will be further away from the side property line than the existing structure.*

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 January 2, 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



**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**


**BOARD OF APPEALS**

January 2, 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 N. T. Development, 323 Commercial Street, Braintree, MA 02184, affecting the rights of the owner with respect to land or buildings at 135 Central Street, also shown on the Weymouth Town Atlas Sheet 50, Block 563, Lot 13, 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 # 3247

Date of Hearing: 12/3/2014

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, December 3, 2014**

**Members Present:** Richard McLeod Chairman

Chuck Golden

Kemal Denizkurt

Jonathan Moriarty

Brad Vinton

**Members Absent:** Ed Foley, Vice Chairman

**Also Present:** Abby McCabe, Principal Planner

Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:30 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

**Case # 3247 – 135 Central Street – Public Hearing**

The petitioner, N.T. Development for property located at **135 Central Street**, also shown on the Weymouth Town Atlas Sheet 50, Block 563, Lot 13, located in a R-1 (Single-Family / Low Density Residential) and the Watershed Protection Overlay zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Extension or change of a non-conforming structure. The lot is under the 5,000 SF minimum required lot size (Article XIII Section 120-40, Article XV Section 120-52, and Section 120-58).

Variance: Relief of 2.25 ft. from the minimum side yard setback (10 ft. required, 7.75 ft. proposed) (Article XV, Section 120-51 Dimensional Regulations, Table 1).

Presently located on the premises is a single-family residence. The petitioner is proposing to raze and rebuild the single-family dwelling on a different footprint within the side yard setback.

The 12/3/14 Meeting minutes will be inserted as an addendum after Board approval.