

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT/VARIANCE
39 GILMORE STREET**

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

Owner: Mary Wilkins
Address: 39 Gilmore Street
Weymouth, MA 02191

Date: August 23, 2016

Applicant: Mary Wilkins
Address: c/o Brian Wilkins
56 Gilmore Street
Weymouth, MA 02191

Case #: 3296

Representative: N/A

Site Address: 39 Gilmore Street
Sheet: 10
Block: 80
Lot: 13

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

Board of Zoning Appeals application filed on June 21, 2016

After a public hearing on July 27, 2016, advertised in the Weymouth News on July 13, and July 20, 2016, the Board of Zoning Appeals at its meeting of July 27, 2016

VOTED TO GRANT THE SPECIAL PERMIT AND VARIANCE under Weymouth Zoning Ordinance 120-40; Extension or change of non-conforming lot; and 120-52 Dimensional Requirement – Lot under 5,000 SF; to allow the petitioner to construct a ~5.8' X ~15.3' one-story addition on the rear of an existing dwelling located on a ~3800 SF lot, per plan by CCR Associates Inc., "Proposed Addition 39 Gilmore Street, Weymouth, MA", dated June 20, 2016.

SPECIAL PERMIT FINDINGS:

The Board found that:

- 1. The specific site is an appropriate location for such a use:**
The current building is a single family home. The proposed addition will allow an expansion of the existing kitchen.
- 2. The use involved will not be detrimental to the established or future character of the neighborhood or town:**
Although small, the lot is in keeping with the neighborhood character.
- 3. There will be no nuisance or serious hazard to vehicles or pedestrians:**
The addition will be at the rear of the existing home and screened by an existing garage.

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

All construction will be monitored by the Inspector of Buildings and comply with the Massachusetts Building Code.

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

The project will increase the assessed value of the home.

VARIANCE FINDINGS:

The existing home was built in 1928 and is part of an established neighborhood consisting primarily of small lots. The home is currently only 664 sq ft and, given the size and shape of the lot, options for expansion are limited. Reducing the size of the existing deck and squaring off the existing building is the most appropriate option.

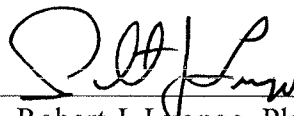
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

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. (3) 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 August 23, 2016

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.



Robert J. Luongo, Planning Director

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, July 27, 2016

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Ed Foley
Brad Vinton

Also Present: Bob Luongo, Planning Director
Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:06 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Case #3296 – The petitioner, Mary Wilkins, for property located at **39 Gilmore Street**, also shown on the Weymouth Town Atlas sheet 10, block 80, lot 13, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; 120-40 Extension or change of non-conforming lot.

Variance; 120-52 Dimensional Requirement - Lot under 5,000 SF

Presently located on the ~3800 SF lot is a single-family dwelling and garage. The petitioner seeks to construct a ~5.8 X ~15.3' one-story addition on the rear of the existing dwelling.

Sitting Members: Richard McLeod
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Brad Vinton

Jonathan Moriarty made a motion to open the public hearing on Case # 3296 and was seconded by Kemal Denizkurt. VOTED 5-0

Jonathan Moriarty made a motion to waive the reading of the publication on Case # 3296 and was seconded by Kemal Denizkurt. VOTED 5-0

Appearing before the board are Brian and Mary Wilkins who are looking to add on to the house 6x15 feet to extend the kitchen. This will "square off" the rear of the house. They have already spoke with their neighbors and they are all aware.

Eric Schneider said there is a variance because it is under 5,000 square feet.

There were no public comments.

Jonathan Moriarty made a motion to close the public hearing on Case # 3296 and was seconded by Brad Vinton. VOTED 5-0

Variance Findings:

The existing home was built in 1928 and is part of an established neighborhood consisting primarily of small lots. The home is currently only 664 square feet and, given

the size and shape of the lot, options for expansion are limited. Reducing the size of the existing deck and squaring off the existing building is the most appropriate option.

Jonathan Moriarty made a motion to approve the application for a variance on Case # 3296 and was seconded by Chuck Golden. VOTED 5-0

Special Permit Criteria for Approval. The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

1. The specific site is an appropriate location for such a use.
The current building is a single family home. The proposed addition will allow an expansion of the existing kitchen.
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
Although small, the lot is in keeping with the neighborhood character.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
The addition will be at the rear of the existing home and screened by existing garage.
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.
All construction will be monitored by Inspector of Buildings and comply with the Massachusetts Building Code.
5. That the public convenience and welfare will be substantially served with the proposal.
The project will increase the assessed value of the home.

Jonathan Moriarty made a motion to approve the Special Permit on Case #3296 and was seconded by Chuck Golden. VOTED 5-0

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

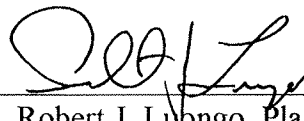
BOARD OF APPEALS

August 23, 2016

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 Mary Wilkins, 39 Gilmore Street, Weymouth, MA 02191, affecting the rights of the owner with respect to land or buildings at 39 Gilmore Street, also shown on the Weymouth Town Atlas Sheet 10, Block 80, 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.



Robert J. Lubngo, Planning Director

Kathleen Deree, Town Clerk

Case # 3296

Date of Hearing: 7/27/2016