

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION**

2022 AUG 17 PM 2:39

**TO BE COMPLETED BY STAFF**

Case Number: 3487

Town Clerk Stamp

Submittal Accepted: \_\_\_\_\_

Date 8/17/22

Signature of Planning Dept. Staff for minimal requirements

Determined to be complete and may now be filed with Town Clerk: \_\_\_\_\_

Signature of Principal Planner or Director

**PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT**

**PROJECT / PROPERTY STREET ADDRESS:** 7/11 Hill STREET

Assessor's Map Sheet, Block, & Lot: Sheet 19 - BLOCK 254 - LOTS 23 & 26

Zoning District: R-1 & B-2

Overlay District: \_\_\_\_\_

**OWNER OF RECORD (S)** (print & sign): NANCY M. HIGGINS

(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: 7 Hill STREET / 11 Hill STREET

Norfolk County Registry of Deeds Book and Page No. BK 12194 PG 591 / BK 40460 PG 523

Or registered in Land Registration Office under Certificate No. \_\_\_\_\_

**NAME OF APPLICANT (S)** (print & sign): \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Contact Information: Email lemondroppaula@yahoo.com

nhiggins2@verizon.net Phone 617-909-5735  
781-337-4911

Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐

**NAME & AFFILIATION OF REPRESENTATIVE:** \_\_\_\_\_

Address: \_\_\_\_\_

Contact Information: Email \_\_\_\_\_

Phone \_\_\_\_\_

**NAME OF ENGINEER AND / OR ARCHITECT:** PATRICK ROSINGRAVE

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.

Nancy M. Higgins  
Paula St. Stephen  
Applicant / Petitioner - Date (sign & print)

NANCY M. HIGGINS

## NATURE OF REQUEST

Application is for: X Special Permit \_\_\_\_\_ Variance \_\_\_\_\_ Other: \_\_\_\_\_

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

120-40

*The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the benefit of plan to accurately advertise the application before the Board.*

## PETITIONER'S DESCRIPTION AND NARRATIVE:

To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

SEE ATTACHED NARRATIVE

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).

4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).

5. Any other additional information as relevant to the Variance or Special Permit:

## ZONING COMPUTATION WORKSHEET

(To be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

Data	Required	Existing	Proposed
Use			
Lot Area / Size (Sq. Ft.)	SEE SURVEY		
✓ Dwelling Units			
Frontage (ft.)			
Lot Width (ft.)			
Front Yard Setback (ft.)			
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)			
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)			
Height (ft.) & # of Stories			
Lot Coverage			
Off-Street Parking Spaces			
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
Signage			
Other:			

## SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

### SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit **only** if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.

SEE ATTACHED

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

**SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS**

**Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use  
(Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")**

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

**EXTENSION OR CHANGE FINDINGS OF FACT:**

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):

2. Indicate how long the nonconforming aspects of the structure have been in existence:

SEE ATTACHED

3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

## VARIANCE APPLICATION

To be completed for Variance applications only.

### VARIANCE FINDINGS OF FACT:

Criteria for approval. The Board may approve any such application for a Variance **only** if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

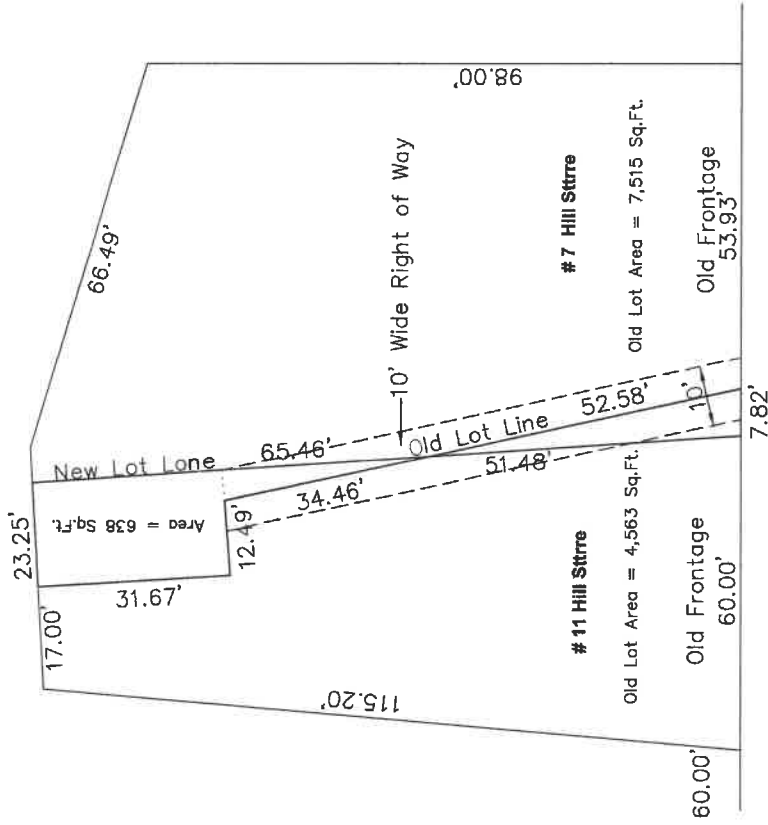
NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.

PETITIONERS' DESCRIPTION AND NARRATIVE OF CURRENT PROPERTY:

A ten-foot right of way exists between the properties on 7 Hill Street and 11 Hill Street. Southwesterly, 87.04 feet from Hill Street by five feet wide on each side in from the center line. The property at 11 Hill Street is about 4,600 square feet and the property at 7 Hill Street is 7,500 square feet according to a Town map on file from 1947.

The right of way begins at Hill Street and continues for 87.04 feet and ends abruptly before the end of the property lines. I was able to trace back the right of way to a drawing on file with a deed from Albert R. Schofield to Catherine S. DeLargy dated 6/27/1946, filed as 574-1946, BK2616 PG 242. The purpose of the right of way was to allow Albert R. Schofield, the original owner of both properties, to sell the house at 11 Hill Street and still retain and access the garage at the rear of the property behind 11 Hill Street. The garage has not been in existence since some time before 1998.

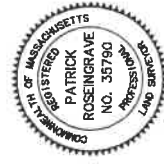
The reason for this application is to abandon the right of way and straighten the property line. This will allow the owners of 7 Hill Street to own the property that would be their driveway and the owner of 11 Hill Street to own the property that would be the back yard, benefiting both property owners. The actual gain to 11 Hill Street and loss to 7 Hill Street is 437 square feet. See area calculations plan.



Hill (34' wide) Street

Registers of Deeds.

Areas Plan  
(Not For Recording  
at Registry of Deeds)



*Patrick Rosegrave*

Area Calculations: —

Existing Area ( # 11 Hill Street) = 4563 Sq.Ft.  
# 11 Hill Street Loses 201 Sq.Ft. to # 7 Hill Street  
# 11 Hill Street Gains 638 Sq.Ft. From # 7 Hill Street  
New Area ( # 11 Hill Street) = 5, 000 Sq.Ft.

Existing Area ( # 7 Hill Street) = 7,515 Sq.Ft.  
# 7 Hill Street Loses 638 Sq.Ft. to # 11 Hill Street  
# 7 Hill Street Gains 201 Sq.Ft. From # 11 Hill Street  
New Area ( # 7 Hill Street) = 7,078 Sq.Ft.

Plan of Land  
7 & 11 Hill Street,  
Weymouth, MA.

ZBA CASE #

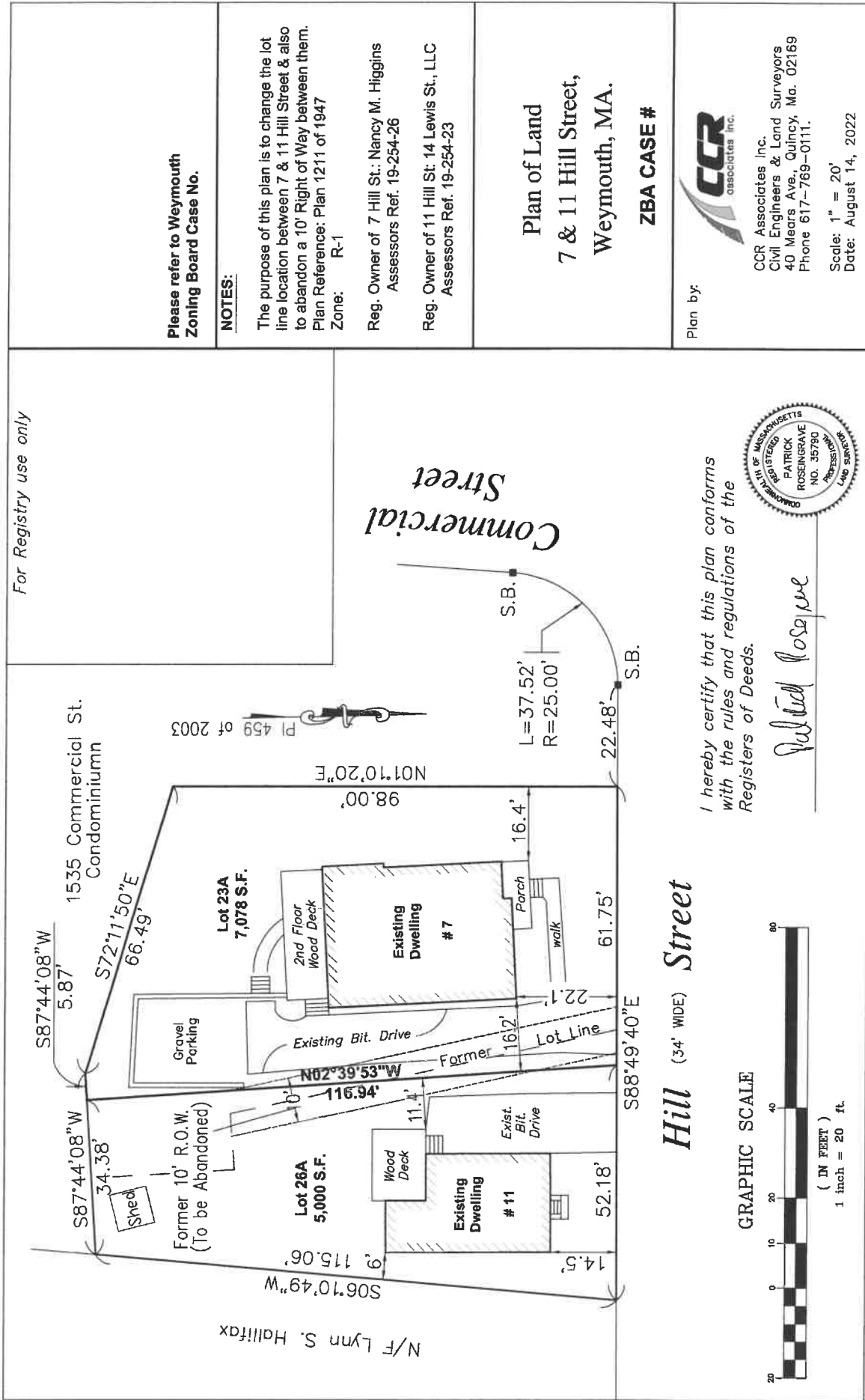
Plan by:



CCR Associates Inc.  
Civil Engineers & Land Surveyors  
40 Mears Ave., Quincy, Ma. 02169  
Phone 617-769-0111.

Scale: 1" = 20'  
Date: August 14, 2022





Please refer to Weymouth  
Zoning Board Case No.

**NOTES:**

The purpose of this plan is to change the lot  
line location between 7 & 11 Hill Street & also  
to abandon a 10' Right of Way between them.  
Plan Reference: Plan 1211 of 1947  
Zone: R-1

Reg. Owner of 7 Hill St.: Nancy M. Higgins  
Assessors Ref. 19-254-26

Reg. Owner of 11 Hill St.: 14 Lewis St., LLC  
Assessors Ref. 19-254-23

Plan of Land  
7 & 11 Hill Street,  
Weymouth, MA.

ZBA CASE #

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