

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON VARIANCE  
289 LAKE STREET**

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

**Owner:** Edward Corkren  
**Address:** 289 Lake Street  
Weymouth, MA 02189

**Date:** 2/24/2016

**Applicant:** Edward Corkren  
**Address:** 289 Lake Street  
Weymouth, MA 02189

**Case #:** 3263

**Representative:** N/A

**Site Address:** 289 Lake Street  
**Sheet:** 26  
**Block:** 295  
**Lot:** 25

**Zoning District: R-3**

Board of Zoning Appeals application filed on August 25, 2015

After a public hearing on October 7, 2015, continued to November 4, and December 2, 2015, advertised in the Weymouth News on September 23, 2015, and September 30, 2015, the Board of Zoning Appeals at its meeting of December 2, 2015

**VOTED TO GRANT THE VARIANCE** under Weymouth Zoning Ordinance Table 1, Minimum Lot Area Requirement, to allow the petitioner to retain an existing dwelling and construct four (4) duplex townhouses on a ~36,300 SF lot, per plan titled "Site Plan 289 Lake Street, Weymouth, MA 02189" by Hardy Engineering, dated June 2, 2015, revised July 7, 2015.

**FINDINGS:**

1. The lot is narrow and abuts single family homes. The four duplex proposal will permit the units to be staggered and create a more residential feel.
2. There is a financial and developmental hardship in that, as a private land owner, the applicant does not have the financial resources to cover carrying costs in the event that units do not sell.
3. The number of units being proposed are allowed by right in a different configuration. The applicant has made arrangements with the neighbors and they are supportive of this configuration with the stated conditions.

The applicant has demonstrated that the lot is narrow and creates some issues with how it can be developed. The property does abut some single family homes and the duplex configuration would allow for less massing of the property and a better transition to those single family streets. The lot itself has created a limited site design option and the most practical option for the owner and the neighbors is a duplex arrangement.

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TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2016 FEB 24 PM 12:45

**CONDITIONS:**

1. Install a new vinyl fence 8 feet tall from street to rear of property. Six inches inside the property line.
2. Keep existing trees on the lot line within the property and add bushes
3. The first 3 new buildings: the decks will be installed off to the side of the sides of the buildings and there will be no second floor windows out the rear of the three buildings.

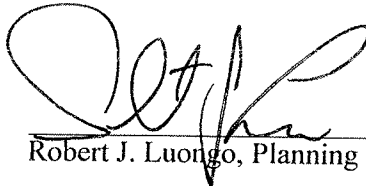
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

**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. 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 February 24, 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, October 7, 2015**

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

**Also Present:** Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:08 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

**Case # 3263** – The petitioner, Edward Corkren, for property located at 289 Lake Street, also shown on the Weymouth Town Atlas Sheet 26, Block 295, Lot 25, located in an R-3 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance: Table 1 Minimum Lot Area Requirement

Presently located on the premises is a single-family residential dwelling on a ~36,300 SF lot. The petitioner is proposing to retain the existing dwelling and construct four (4) duplex townhouses.

**Sitting Members:** Richard McLeod  
Chuck Golden  
Jonathan Moriarty  
Ed Foley  
Kemal Denizkurt

Ed Foley made a motion to open the public hearing on Case #3263, 289 Lake Street and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the legal notice on Case # 3263, 289 Lake Street and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the Board was Edward Corkren, owner. He would like to keep the single family home that is onsite. There will be 4 duplexes. His family will keep the original house and 1 of the 2 unit duplexes in the family.

Ed Foley stated that he would not even need to come before the BZA if they kept the 2 4-unit duplex as their right and asked if he has spoke to the Planning Dept and it was stated, yes. The aesthetics of the 4-units are more pleasing to the neighborhood and young families.

These condominiums will be sold except for the one complex the family will keep.

There will be more impervious surface and a catch basin and a drainage system will be under the parking lot. Initially the dumpster was going to be in the front but has since been moved to the back and eliminated 1 parking space.

Fire Department access is not sufficient per a memo from Chief Keith Stark. The applicant stated he was told that an automatic sprinkler system would be ok if installed in all the units.

Ed Foley asked what his hardship would be to go forward with the 2 buildings instead of 4 units. The applicant stated that the hardship is that the family would like to keep 1 of the two unit duplex in the family along with the main house. He also believes this is more aesthetically pleasing to the neighborhood and families for resale purposes. He has been working on this project for 8 years. Mr. Foley strongly encourages talking with the abutters.

Chairman McLeod is struggling with the hardship piece. The applicant said the family would like to be able to keep the family home and own one of the duplex buildings. He doesn't want it to look like the Patriots Village Complexes. Four duplexes is better than 2.

Eric Schneider said the applicant has the proper Zoning and FAR requirements but reading further into the ordinance once you go two units per building it is restricted on square footage. If he is building the 2 unit duplexes he needs 15,000 square feet per duplex. He can get the same number of units by right and it really is just the number of buildings. There will still be 8 units.

1-2 units is 15,000 sq feet and 3 or more buildings is based on FAR .25 which he meets.

If he can do this as a matter of right he increases the density. No matter what the board decides the applicant will still get 8 units.

Kemal Denizkurt asked if they intend to keep the single family home and it was stated yes, it will be unit number 9 and be part of the complex. Mr. Denizkurt would like to know what type of material will be used and it was stated they will be modular units. Landscaping plan also needs to be submitted for a project of this size.

Public Comment:

Abanna Cabosa, 295 Lake Street- she is a neighbor and is opposed to this project. They purchased their home because of the privacy around their home and the new decks will be only 13 feet away from their fence and the privacy will be gone. There will be no more quiet backyard for them. All second floor windows face her back yard. She has been fighting about the fence for the last 3 years. Mr. Corcoran has already started clearing trees without surveying the property. The neighborhood is populated enough and they need the space. She submitted a written letter that she read into the record and 6 pictures all labeled as Exhibit #1-6.

The applicant stated he has had the land surveyed.

Chairman McLeod reminded the public that if this application is denied he can then build 2, four unit buildings. Eric Schneider stated if the applicant decides to go with that plan it would fall under Site Plan Review with the Planning Department. He believes this plan of 4, 2unit buildings is a better plan than 2, 4 unit buildings.

Chad Gould, 275 Lake Street, Chairman of Patriot Village – the density is a great concern to them. The people at Patriot Village can sit on their decks and enjoy the view of the woods, trees and if they build this they will lose it. The applicant said that the majority of the trees abutting the fence will remain there. Mr. Gould feels the noise will be a problem to the residents of the Village.

The applicant said if he sells the house another owner would tear down his single family home and create a large complex and his plan is much smaller and more pleasing to the neighbors. His property is zoned R3.

Chairman McLeod suggested a neighborhood meeting organized by Councilor DiFazio and Councilor Matthews to help alleviate some of their concerns. This plan does not demonstrate a hardship and he likes this plan better.

Mr. Matthews asked about the zoning ordinance for a subdivision of plots land it was stated that does not apply as this is Zoned R3.

Mr. Corkren agreed to meet with the abutters and have this public hearing continued.

Mark Devoy, 23 Prince Street – feels that this would be an extension of Lake Street. The design has the windows overlooking his yard. He would like to see Ed do something with his land but the back yards are solitude and he thinks it's a great idea getting together.

Kofman, Dea, 301 Lake Street – concerned if the next meeting the applicant can have some complete plans especially for run off on the parking lot. The applicant has provided a detailed plan for this already and will share it with the neighbors.

Ken DiFazio asked if anyone is interested in attending this meeting to please leave their names and addresses with him for notification.

Ed Foley made a motion to continued this public hearing to November 4, 2015 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

**BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, November 4, 2015**

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

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

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:07 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

**Case # 3263 – Continued Public Hearing from 10-7-2015** - The petitioner, Edward Corkren, for property located at 289 Lake Street, also shown on the Weymouth Town Atlas Sheet 26, Block 295, Lot 25, located in an R-3 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance: Table 1 Minimum Lot Area Requirement

Presently located on the premises is a single-family residential dwelling on a ~36,300 SF lot. The petitioner is proposing to retain the existing dwelling and construct four (4) duplex townhouses.

**Sitting Members:** Richard McLeod  
Chuck Golden  
Jonathan Moriarty  
Ed Foley  
Kemal Denizkurt

Town Councilor Ken DiFazio said he organized a meeting with all the residents that were at the last meeting along with the applicant and only two residents came, Mark Divoy, Albana Rebocca and Councilor Arthur Matthews. They discussed the process at length and heard all their concerns. Albana agreed with the plan presented but had some conditions which were presented to the applicant.

The applicant has agreed to the conditions requested by abutting neighbors. These conditions were handed out to the board and were labeled Exhibit #1.

The applicant is going to meet with his attorney and review these conditions.

Ed Foley made a motion to continue this public hearing to December 2, 2015 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

**BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, December 2, 2015**

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

**Absent:** Ed Foley

**Also Present:** 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.

**1. Case # 3263 – Continued Public Hearing from 10-7-2015, 11-4-15** - The petitioner, Edward Corkren, for property located at 289 Lake Street, also shown on the Weymouth Town Atlas Sheet 26, Block 295, Lot 25, located in an R-3 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

**Variance:** Table 1 Minimum Lot Area Requirement

Presently located on the premises is a single-family residential dwelling on a ~36,300 SF lot. The petitioner is proposing to retain the existing dwelling and construct four (4) duplex townhouses.

BZA Variance – 289 Lake Street  
(Case 3263)

Sitting Members: Richard McLeod  
Chuck Golden  
Jonathan Moriarty  
Ed Foley - Absent  
Kemal Denizkurt

Appearing before the Board was Attorney Robert Franklin and the applicant Edward Corkren. The applicant stated that he has made some adjustments to his plan and the neighbors are all in support.

The Board feels the applicant needs to articulate his hardship for this relief. Attorney Franklin stated that it is a long narrow lot and in order to develop it affectively he is proposing to keep the existing home and to construct four (4) new duplexes. By right, the applicant can build two four-plexes but it would not look as nice and would be less attractive to families and young couples.

In addition, if he is obliged to build the two “boxes” he will not be able to sell them as easy. The financial hardship of this would cause him to lose money and be difficult to maintain. This could potentially bankrupt him.

Chairman McLeod stated that there are only 4 members here this evening and he would need a unanimous vote or he could wait for another meeting.

There is a list of 3 conditions that need to be in the decision.

The public was given the opportunity to speak and there was no public comment.

Chuck Golden made a motion to close the public hearing on Case # 3263 and was seconded by Jonathan Moriarty.

VOTED 4-0

Chuck Golden made a motion to approve Case # 3263 for a variance based on testimony from the applicant creating the financial hardship.

4. Install a new vinyl fence 8 feet tall from street to rear of property. Six inches inside the applicant’s property line.
5. Keep existing trees on the lot line within the subject property and add bushes
6. The decks of the first three new buildings will be installed off the sides of the buildings and there will be no second floor windows out the rear of the three buildings.

**Variance Criteria for Approval.** Weymouth Zoning Ordinance Section 120-119A(3).  
The Three Required Findings For Granting A Variance:

***Finding #1: Soil, Shape, Topography***

Owing to circumstances relating to soil conditions, shape or topography of the land or

structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located. **The lot is narrow and abuts single family homes. The four duplex proposal will permit the units to be staggered and create a more residential feel.**

- The board must also find that the peculiarity is unique to the zoning district where the parcel is located.
- The peculiarity must not be found in the district as a whole.

***Finding # 2: Hardship***

A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise. **There is a financial and developmental hardship in that, as a private land owner, the applicant does not have the financial resources to cover carrying costs in the event that units do not sell.**

***Finding # 3: Public Good***

Desirable 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 or bylaw.

**The number of units being proposed are allowed by-right in a different configuration.**

**The applicant has made arrangement with the neighbors and they are supportive of this configuration with the stated conditions.**

**Kemal Denizkurt added the following to Chuck's motion:**

**The applicant has demonstrated that the lot is narrow and creates some issues with how it can be developed. The property does abut some single family homes and the duplex configuration would allow for less massing of the property and a better transition to those single family streets. The lot itself has created a limited site design option and the most practical option for the owner and the neighbors is a duplex arrangement.**

Seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

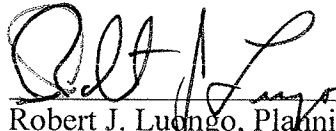
February 24, 2016

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 Edward Corkren, 289 Lake Street, Weymouth, MA 02189, affecting the rights of the owner with respect to land or buildings at 289 Lake Street, also shown on the Weymouth Town Atlas Sheet 26, Block 295, Lot 25, 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.

Kathleen Deree, Town Clerk

  
Robert J. Luongo, Planning Director

Case # 3263

Date of Hearing: 10/7/2015, 11/4/2015, 12/2/2015