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TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

2021 OCT -5 PM 3:35

TO BE COMPLETED BY STAFF

Case Number: 3464

Town Clerk Stamp

Submittal Accepted: Monica Kennedy Date 10/5/21
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: 59 Lake View Road

Assessor's Map Sheet, Block, & Lot: 30-386-1

Zoning District: Residence R-1 Overlay District: Floodplain

OWNER OF RECORD (S) (print & sign): New Ground Development LLC

(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: 27 John Street, Quincy, MA 02169

Norfolk County Registry of Deeds Book and Page No. 39024/541

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): New Ground Development, LLC

Applicant's Address: 27 John Street, Quincy, MA

Contact Information: Email _____ Phone _____

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

NAME & AFFILIATION OF REPRESENTATIVE: _____

Address: Gregory F. Galvin, Esq., 775 Pleasant St., #16, Weymouth, MA 02189

Contact Information: Email ggalvin@gregorygalvin.com Phone 781-340-5335

NAME OF ENGINEER AND / OR ARCHITECT: Ross Engineering Company, Inc.

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.

Tyson M. Mize By his Attorney Gregory F. Galvin 9/30/21
Applicant / Petitioner - Date (sign & print)

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):

Section 120-38 Floodplain. Sections 120-40, and 41, Extension or change, Exception
to restoration.

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):

The property(lot) extends into Whitman's Pond where Mill River empties into the pond. Currently, a small outdated house sits on the undersized lot within the front and rear yard setback.

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

Remove the existing house and construct a new building in the same general area as the existing house and rebuild the shed. The foot print of the new house will be less than 30' larger then the existing house and be located in substantially the same area of the lot.

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).

Section 120-38 and Sections 120-40 & 41.

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).

No but, the applicant is filing with the Conservation Commission.

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

The applicant has filed with the Conservation Commission for an Order of Conditions.

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.)	25,000	8,969	8,969
Dwelling Units	1	1	1
Frontage (ft.)	40'	25' not counting unfinished road	25'
Lot Width (ft.)	120'	160'	160'
Front Yard Setback (ft.)	18'	3'8"	3'8"
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	10'	31'8"	31'6"
Side Yard Setback (ft.)	10'	68'4"	72'3"
Rear Yard Setback (ft.)	24'	4'7"	4'7"
Height (ft.) & # of Stories	35'(2-1/2)	15'+/-(1)	24'(2)
Lot Coverage	30%	15.3%	15.7%
Off-Street Parking Spaces	2	2	3
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.

Currently there is an outdated dwelling that will be removed and a new dwelling will be constructed in substantially the same area on the lot. The parcel will continue to be used as a single family home, however with an updated dwelling.

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

The applicant will continue the single family dwelling use with a new updated structure. The new construction will be sensitive to the location abutting Whitman's Pond and the applicant has applied for an Order of Conditions from Conservation.

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

The continue use as a single family dwelling will not pose a nuisance or hazard to vehicles or pedestrians.

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

The property is currently connected to town water and sewer.
Both utility lines will be reviewed for replacement as necessary.

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

The applicant is make a significant upgrade in the building with the new structure.

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):

The lot is smaller than the current bylaw requirement and due to the narrow lot depth, the house currently is and will continue to violate the set back distances.

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

The current structure and use have been in place since prior to 1952 when the owner applied to build an addition to the existing dwelling.

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.

Once the zoning bylaw was enacted, the dwelling was in violation of the new front and rear setback requirements. That made it nonconforming. Since the original zoning bylaw enactment additional changes have been made and the lot is now undersized.

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

The applicant will not substantially increase the setback violations as the new dwelling will be on the same footprint.

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

There will be enough area for at least three cars to park off the street, on the lot.

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:

The applicant will build on substantially the same footprint as the existing dwelling. The shed will be rebuilt on the same footprint.

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.

N/A

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.