

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

TO BE COMPLETED BY STAFF

Case Number: 3472
Submittal Accepted:  Date 2/23/22 
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: 180 Pilgrim Road Weymouth

Assessor's Map Sheet, Block, & Lot: 4. 30. 5

Zoning District: R-1 Overlay District: _____

OWNER OF RECORD (S) (print & sign): James R. Andrew

(The owner of record is the person or entity who owns title to the property as of today's date)
180 Pilgrim Road, Weymouth, MA 02191

Address of owner of record: _____
Book 39908 P 363 #125732

Norfolk County Registry of Deeds Book and Page No. _____

Or registered in Land Registration Office under Certificate No. _____
James R. Andrew

NAME OF APPLICANT (S) (print & sign): _____
180 Pilgrim Road, Weymouth, MA 02191

Applicant's Address: _____

Contact Information: Email jimsail2005@gmail.com Phone 617.359.8114

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

NAME & AFFILIATION OF REPRESENTATIVE: _____

Gina Macdonald, Construction Manager, 180 Ferry Rd. Bristol, RI 02809

Address: _____
Contact Information: Email georginamac@gmail.com Phone 617.592.8378

Kyle Xue, Architect
NAME OF ENGINEER AND / OR ARCHITECT: _____

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.

 1/27/2022
Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: ☒ Set ☐ Special Permit ☐ Variance ☐ Other: _____

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

Setback for decks at front (Pilgrim Rd), enclosure of first floor area under rear bedroom sitting on concrete pillars;

Plan to fill in the area under the bedroom and add a slanted roof 36" out on either side adding 57.5 sf to the footprint; footprint

is now 758 sf + 57.5 = 818.50 when added

expand height of existing 2nd floor and add an attic with doghouse dormers; fill in porch to add to living room.

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 current building is 1 1/2 stories with a basement building footprint of 594 s.f. plus the back bedroom footprint of 164.9 sf for a total of 758 s.f. The building is a single family residence with a basement that is 74% below grade.

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

Same single family use. Enclose existing porch to return it to its former use as a living room, expand front BR over LR, enclose area in rear under 2nd floor elevated BR to add to the kitchen; add a 1/2 story with dormers and add decks in front parallel to Pilgrim Rd. See attached overview.

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).

Use is the same as current; single family house.

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).

Not aware of any

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

See attached memo

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.)		2,680	2,680
Dwelling Units		1	1
Frontage (ft.)		45 front; 25.93 rear	45 front; 25.93 rear
Lot Width (ft.)		45 front; 25.93 rear	45 front; 25.93 rear
Front Yard Setback (ft.)		12.5' building	12.5' building; 3' deck
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)		5	5
Side Yard Setback (ft.)		4.5	4.5
Rear Yard Setback (ft.)		20	20
Height (ft.) & # of Stories		1.5	2.5
Lot Coverage		22.16	24.31%
Off-Street Parking Spaces		2	2
Off-Street Loading Spaces		0	0
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.

The use will remain as a single family house; the applicant has 3 sons and needs space to accomodate them

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

The structure is not adverse to the neighborhood; many of the houses in the immediate neighborhood are 2 and 2 1/2 stories homes on small lots with dormers, porches, decks. Prevailing sun comes from the rear of 180 Pilgrim (south), so expansion will not create any shading of buildings from prevailing sun.

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

There is no potential for nuisance or hazard to vehicles or pedestrians. Expansion of the second floor is not contrary to the quality of life in the neighborhood and matches what most of the other houses have done for expansion or original construction.

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

Yes; the property is currently served by municipal water and sewer as well as gas and electric. Off street parking will remain the same.

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

The improvements will add to the tax base and correct existing difficulty in safely accessing 180 Pilgrim by providing stairs which may be safely used by the handicapped applicant.

Existing concrete stairs are steep and slanted; new stairway to the proposed deck will is designed for his safety, given his visual impairment.

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):

Setbacks of existing building are non conforming in front and side; proposed second floor will not increase the non conformity but will provide 8 ft. head height

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

Building was presumably conforming when constructed in 1928; back bedroom on concrete piers was added in the 1990s when part of the living room was opened up to be a porch; now want to turn that porch back into an enclosed LR.

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.

Yes, it was.

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

Expand the existing front BR over the front porch/LR; does not extend the building's footprint; filling in under the back BR will expand sf by 57.5sf. The existing 2nd floor is a partial floor; expansion will create full head height and stair to attic HVAC/stor.

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

current 2; proposed 2

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:

Structure will have a full height 2nd floor, and an attic with dormers, conforming to most of the other houses in the neighborhood; rear BR has back half only 1/2 story and it will remain as it is.

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.

A literal enforcement would not permit the addition of the decks in the front; or enclosure of the 1st floor under the back bedroom. Zoning permits building to be 2 1/2 stories with dormers. Footprint of the building + 57.5 sf for rear sunroom.

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.

New stairs on the left side of the house (when facing it from Pilgrim) will lead to the proposed deck, permitting the handicapped homeowner to safely enter and exit.

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.

Footprint of the building will only increase by 57.5 sf in the rear under the existing back bedroom which currently is open on the first floor on concrete piers with an enclosed second floor.

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.

Expansion of the current partial second floor to permit full head height (8ft) does not increase the footprint of the building, stays under the required building height limit and will allow use of the attic for HVAC, storage and potential BR/BA in the future. Many other dwellings in the immediate neighborhood have porches, decks, garages, stairs, which extend into setbacks and most are a full 2 to 2 1/2 stories high.

Please see attached memorandum for more information, including a MA Land Court decision in 2017 directly parallel to this application, affirming Wellfleet ZBA decision.

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.

James R. Andrew
180 Pilgrim Road
Weymouth, MA 02191
jim@JimAndrew.com 617.359.8114
1/18/22

Construction Manager for project: Georgina Macdonald, gina@BeechLion.com 617.592.8378

Re: Application for Building Permit for 180 Pilgrim Road

The Pilgrim Road house currently has a 594 s.f. footprint and consists of a one and a half story house having a partial second floor with a very low roof--- approximately 50% of the floor is usable with full head height. The rear bedroom was expanded earlier with a small addition which has an even lower roof raised up on concrete pylons with no first floor under it.

About Jim: I have just retired from a downtown Boston job (company was sold and because of my age (69), I was involuntarily retired. I am handicapped with a movement disorder, Dystonia, which is similar to Parkinson's. It affects my vision and my mobility. Driving is difficult for me as are steps and fine motor skills. I have three sons and the current house is too small for them all to stay with me.

We understand that getting approval for the decks, filling in the first floor under the second floor back BR and expanding the height to create a usable second floor and attic with dormers will require approval from the Board of Appeals and have attached our application for that Appeal.

The MA Land Court, in Coady vs Roger Putnam et.al in June 22, 2017 issued a judgement regarding a Special Permit application very similar to what Mr. Andrew is requesting. The Court issued a judgment that an applicant, with non-conforming setbacks, who added a second floor, conforming to the Wellfleet height limits, but diminishing the view of the property of a rear abutter, given no change in use, setbacks, no increase in use and a modest expansion in lot coverage (15.78% to 21.9%) was properly approved by the Wellfleet Zoning Board of Appeals.

The MA Land Court found in that case that alleged harms resulting in potentially reduced property values, or reduced quality of life had not been quantified despite a claim of harm because of diminished views and the approval of the application was not substantially more detrimental to the neighborhood than the existing non-conforming structure.

The Court found that the house in this case a new house (replacing the razed house) "would not be substantially more detrimental to the neighborhood than the existing non-conforming structure."

The Court noted that any decrease in view as a result of the expanded house downhill from the complaining abutter did not necessarily decrease the value of that property.

When asked, in April, 2021, Swlwia Brucker the realtor who sold 22 Squanto in 2021 to Anthony Annatone (the current owner) told another potential buyer that the views toward the water could be diminished if any of the downhill homes were expanded.

Construction objectives:

1. Living Room

Enclose the existing porch to add to the living room; this was the earlier configuration; returning to it will provide a better sized living room. There would be no expansion of the footprint of the house.

2. Enclose the first floor area under the existing 2nd floor rear bedroom bump-out which currently sits on concrete pillars over the ground level.

Enclosing this area will provide extra space in the kitchen sitting area facing south. The expansion on each side of the existing second floor BR will be 3 feet on each side by the 9 foot depth of the existing space to permit a slanted roof. The existing grade would be excavated sufficiently to pour a concrete pad for the floor and the existing rear door would be moved from the kitchen to the east side of the new sunroom enclosure, 36 inches from edge of the bump-out ceiling. This will add 57.5 s.f. to the house.

3. Add upper and lower front decks across the front of the house facing Pilgrim Road

Many of the neighboring houses have garages and decks which are at the street, or in one situation, intrude into the street. I want to add 9-foot deep front decks to provide easy, visible access to the front of the house and have a deck on the second floor to provide an outdoor hot tub, prescribed by my physician to lessen my Dystonia symptoms. Stairs are difficult for me, so having a deck at the same level as the living room and the master bedroom would give me easy access to the outside and the view of the water. New steps on the east side will be designed for my handicap to permit safe access and egress.

4. Raise the roof on the second floor to create an attic with dormers and expand the master bedroom out over the living room.

This will not increase the footprint of the house as the expansion will be over the existing LR/porch replacing an asymmetrical low roof and bringing the 2nd floor front of the house out over the existing first floor.

Currently, the low roof on the second floor inhibits use of more than 50% of the floor other than for storage.

Raising the roof will provide full 8 foot high ceiling, permit the addition of an attic with dormers for the installation of air conditioning equipment and ducts and a future bedroom and bathroom. This would also include expanding the second floor out toward Pilgrim Road to the edge of the existing porch/living room over the area that is roof in the photo below (keeping within the existing footprint of the building and adding an attic floor with dormers over that, keeping within the height limit. The knee walls of the attic would be 3 feet high with doghouse dormers allowing standing height in the center of the attic.

Photos of existing conditions:



Roof area
over
porch/LR
would contain
expanded
primary
bedroom

This shows 180 Pilgrim in the center showing the low roof and the porch which would be enclosed for the living room.

The height from the existing grade to the first floor is 7 inches at the rear, 17 inches at the midpoint of the house, back to front, and 33 inches at the front corner.



This photo shows the grade and the existing openings under the LR and porch



This is a closer view of the area



This photo shows the back bedroom addition, currently on piers, which we want to enclose the underneath of on the first floor.



Picture at left is 180 Pilgrim earlier



The interior of the rear bedroom showing the low ceiling height; the rear portion will remain a 1/2 story; the area in front of the slant will be increased to 8 feet.



View of primary bedroom showing low ceiling height and asymmetric framing.

Decks

The decks would run the full width of the house and extend out toward the street by 9 feet. They would be constructed with Trex or similar synthetic boards and have poured concrete footing/beams for support. The railings would be cables as in this photo and the new stairs to the deck would match the materials and design of the decks. Indirect lighting would be under the handrails to provide safety at night.



Plot Plan of 180 Pilgrim

