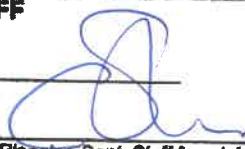



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**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION**

<b>TO BE COMPLETED BY STAFF</b>	
Case Number: <u>3522</u>	Town Clerk Stamp
Submittal Accepted: 	Date: <u>1/30/24</u>
<small>Signature of Planning Dept. Staff for <u>minimal</u> requirements</small>	
Determined to be complete and may now be filed with Town Clerk: 	
<small>Signature of Principal Planner or Director</small>	

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

**PROJECT / PROPERTY STREET ADDRESS:** 36 Pond Street Weymouth MA 02190

Assessor's Map Sheet, Block, & Lot: 49-555-9

Zoning District: R2 Mixed Residential Overlay District: Watershed Protection

**OWNER OF RECORD (S) (print&sign):** \_\_\_\_\_  
(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: 36 Pond Street Development LLC

Norfolk County Registry of Deeds Book and Page No. Book 39347, Page 85

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

**NAME OF APPLICANT (S) (print&sign):** Ralph Jaeger 36 Pond Street Development LLC

Applicant's Address: 500 Victory Road Quincy MA 02171

Contact Information: Email rjaeger@huntercapitalrealestate.com Phone \_\_\_\_\_

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

**NAME & AFFILIATION OF REPRESENTATIVE:** Denise Moynihan


Address: 36 Augustus Ct., Reading MA 01867

Contact Information: Email denise@moynihanlaw pc.com Phone 617 388 2697

**NAME OF ENGINEER AND / OR ARCHITECT:** Paul Beaulieu, Vice President Main Street Architects

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.

  
Ralph Jaeger, duly authorized December 12, 2023  
Applicant / Petitioner - Date (sign & print)

**NATURE OF REQUEST**

Application is for: ☒ Special Permit ☐ Variance ☐ Amendment Other: \_\_\_\_\_

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

120-13.3

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*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):

A Multifamily dwelling consisting of 7 Units - 6 one bedroom units and one efficiency unit and overall containing approximately 5,200 sf of living space.

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

Applicant seeks to have the current use of the property as seven dwelling units approved. Presently the property is approved for six dwelling units.

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).

120-13.3

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).

Yes, a Special Permit was granted in 1978 approving six dwelling units. A copy is attached.

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.)	40,000	22,100	unchanged
Dwelling Units	2	7	unchanged
Frontage (ft.)	40'	130' (+/-)	unchanged
Lot Width (ft.)	75'	130' (+/-)	unchanged
Front Yard Setback (ft.)	18'	>18'	unchanged
Front Yard Setback (ft.) — corner lots			
Side Yard Setback (ft.)	10'	>10'	unchanged
Side Yard Setback (ft.)	10'	>10'	unchanged
Rear Yard Setback (ft.)	10'	>10'	unchanged
Height (ft.) & # of Stories	35" 3 stories	35' 2 stories finished attic	unchanged
Lot Coverage	30 %	< 30%	unchanged
Off-Street Parking Spaces	14	14	unchanged
Off-Street Loading Spaces	NA		
Parking Setback	NA		
Accessory Structure Setback	NA		
Landscaping			
Floor Area Ratio		24%	unchanged
Signage	NA		
Other:			

**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):

Presently the current use of the use of the property is nonconforming.

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

The Applicant is unsure how long the additional seventh unit has been in existence but believes that the current use has been in place for over 15 years.

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 in compliance due to the issuance of the 1978 special permit.

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:

Fourteen parking spaces.

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 current use, while nonconforming, will not cause any detriment to the neighborhood because it will be a continuance of a use that has been in place for more than a decade.

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O F THE COMMONWEALTH OF MASSACHUSETTS A L  
C O P Y C O P Y

Weymouth  
City or Town

## BOARD OF APPEALS

Date: SEP 21 1978 , 19

Certificate of Granting of Variance or Special Permit  
(General Laws Chapter 40A, Section 11)

The Board of appeals of the City or Town of

hereby certifies that a Variance or Special Permit has been granted

To John J. Rodolph  
Address 108 Candia St.  
City or Town Weymouth  
affecting the rights of the owner with respect to land or buildings at  
36 Pond Street, Weymouth

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, and of all plans referred to in the decision, have been filed with the planning board and the city or 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 or city clerk that twenty days have elapsed after the decision has been filed in the office of the city or 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.

[Signature]  
Clerk

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October 12, 1978

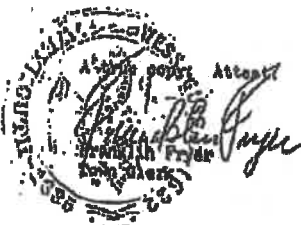
To Whom It May Concern:

I, Franklin Fryer, Clerk of the Town of Weymouth do hereby certify the following to be the action taken by the Board of Zoning Appeals at their meeting held on August 20, 1978 on Application of John J. and Lorraine T. Rodolph #1608. This decision was filed in the Town Clerk's Office on September 21, 1978.

No appeal was filed within the 20 day appeal period.

Signed

*Franklin Fryer*  
Franklin Fryer, Town Clerk



APPLICATION OF JOHN J. AND LORRAINE T. RODOLPH-#1608  
for the property located at 36 Pond Street, shown on 1978 Weymouth Town Atlas as Sheet 49, Block 555, Lot 9, seeking relief and/or approval from Article X, Section 13 (Non-Conforming Uses), specifically Section 13.2 (Extension of a Non-Conforming Use) of the Town of Weymouth Zoning By-Laws, for permission to extend the non-conforming use of the premises from a four (4) family dwelling to a six (6) dwelling, as per application and plans submitted.

James J. Fasino, Esq., 51 Columbian St., Weymouth represented the petitioners.

The only abutter present was Arthur Mullenby who had

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no objection to the proposal.

A summary sheet and a portion of the atlas was presented to each Board member to follow Mr. Pasino's comments.

The parcel is located in a limited business district and has been for many years. The character of that portion of Pond St. is no longer single family residences and such residences exist as a non-conforming use. There are several multi-family dwellings in the area. The structure on the locus is a very large Victorian building. The applicant proposes to remove the asbestos siding and replace any clapboards which may be in disrepair and dress up the outside of the building. There are two one-bedroom units at present on the first and second floors. There is also a plan for two one-bedroom units on the third floor. All construction will be in compliance with the Mass. State Building Code, as the height of the building is 24½ ft. The rent levels are very low and as the existing four apartments are renovated, the rents will be increased to a more suitable level. The applicant did not, however, plan to evict or displace tenants in order to renovate. There are separate heating systems for each apartment at present and there is ample parking as the lot contains 22,100 sq. ft. and is the biggest lot in that particular area with the exception of Friendly's.

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Board of Zoning Appeals  
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- G. F. F. August 24, 1978  
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Walter McKinnon, Jr. was present as the architect to answer any questions.

Mr. Lagrotteria moved that the application be granted. He felt the character of the area was one of multi-family dwellings, and this structure had been in need of repair for some time as it had been neglected over a period of years. He was encouraged to hear the applicant plans to conform to the State Code and install smoke and fire detectors, and emergency lighting, as well as two entrances and two exits from each apartment. There is a very wide corridor which is in excess of the regulations. The motion was seconded.

DECISION OF THE BOARD

The parcel lies in a limited business district and is surrounded by multi-family dwellings. The building is very old and had been neglected for sometime. There would be no derogation from the intent and purpose of the Zoning By-Law or detriment to the public good by the granting of this petition.

It was, therefore, unanimously voted:

PETITION GRANTED, AS PER PLANS  
SUBMITTED WITH THE CONDITION  
THAT NO CERTIFICATE OF OCCUPANCY  
BE RELEASED FOR THE TWO NEW  
APARTMENTS UNTIL APPROVED BY THE  
INSPECTOR OF BUILDINGS.

Recorded Oct. 30, 1978 at 2:53 P.M.