

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON SPECIAL PERMIT  
126 PROSPECT HILL DRIVE**

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

<b>Owner:</b>	William Weigele	<b>Date:</b>	5/18/2016
<b>Address:</b>	126 Prospect Hill Drive Weymouth, MA 02191		
<b>Applicant:</b>	William Weigele	<b>Case #:</b>	3280
<b>Address:</b>	126 Prospect Hill Drive Weymouth, MA 02191		
<b>Representative:</b>	N/A	<b>Site Address:</b>	126 Prospect Hill Dr.
		<b>Sheet:</b>	3
		<b>Block:</b>	4
		<b>Lot:</b>	78

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2016 MAY 18 PM 2:58

**Zoning District: R-1 (Residence, Low Density / Single-Family)**

Board of Zoning Appeals application filed on February 19, 2016.

After a public hearing on April 20, 2016, advertised in the Weymouth News on April 6 and April 13, 2016, the Board of Zoning Appeals at its meeting of April 20, 2016

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Article XIII, Section 120-40, Extension or change of an existing non-conforming use or structure, to grant relief for the petitioner to demolish an existing ~10' x 13' enclosed cinderblock structure attached to the rear of a single family dwelling and construct a new ~16'x16', two-story structure; first story constructed of cinderblocks, with a 3-season porch for the second story per "Plan of Land 126 Prospect Hill Drive" by Hoyt Land Surveying, dated 5/13/2015, revised 2/10/2016.

**SPECIAL PERMIT FINDINGS:**

1. The specific site is an appropriate location for such a use. **The concrete support is cracked and best to be replaced.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The abutter has stated no opposition to the project.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **It's a deck on the back, not living quarters.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Suggested putting a skim coat over the new structure.**
5. That the public convenience and welfare will be substantially served with the proposal. **The applicant is staying within the current footprint and is not extending into the nonconforming use.**

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, and (3) the Record of Proceedings. 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 May 18, 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.

  
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Robert J. Luongo, Director of Planning and Community Development

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
**Wednesday, April 20, 2016**

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

**Also Present:** Bob Luongo, Planning Director  
Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

**Case #3280** – The petitioner, William Weigele, for property located at 126 Prospect Hill Drive, shown on the Weymouth Town Atlas sheet 3, block 4, lot 78, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-40 Extension or change of non-conformity

The petitioner seeks to demolish an existing – 10'x13' enclosed cinderblock structure attached to the rear of a single family dwelling and construct a new – 16'x16', two-story structure; first story constructed of cinderblocks, with a 3-season porch proposed for the second story.

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

Chuck Golden made a motion to open the public hearing on Case #3280, 126 Prospect Hill Drive and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Chuck Golden made a motion to waive the reading of the publication on Case #3280 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Appearing before the board was William Weigele. Mr. Weigele stated he is seeking relief from Zoning Ordinance 120-40. Currently attached to the house is a cinderblock shed that they store their outdoor furniture in. There are cracks in it and water gets in there from it as well as from the windows and doors. They are looking to raise the structure and rebuild it.

Chairman McLeod asked if he is looking to exceed the existing footprint and he stated yes, but he will not be encroaching anymore into the side yard setback.

Ed Foley stated there is a letter from the abutter, Mr. Robert Linden and he is not opposed to this application. Mr. Linden supports this application.

Eric Schneider stated that there weren't any comments from the department heads on this application.

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

Ed Foley made a motion to close the public hearing on Case #3280 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

Ed Foley made a motion to approve Case #3280 request for a Special Permit 120-40.

**Special Permit Criteria for Approval.** The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

1. The specific site is an appropriate location for such a use. **The concrete support is cracked and best to be replaced.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **The abutter has stated no opposition to the project.**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **It's a deck on the back, not living quarters.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **Suggested putting a skim coat over the new structure.**
5. That the public convenience and welfare will be substantially served with the proposal. **The applicant is staying within the current footprint and is not extending into the nonconforming use.**

This motion was seconded by Jonathan Moriarty.  
VOTED UNANIMOUSLY

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

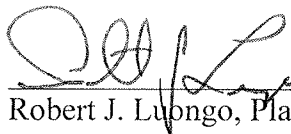
**BOARD OF APPEALS**

May 18, 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 William Weigele, 126 Prospect Hill Drive, Weymouth, MA 02191, affecting the rights of the owner with respect to land or buildings at 126 Prospect Hill Drive, also shown on the Weymouth Town Atlas Sheet 3, Block 4, Lot 78, 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.



Robert J. Lubongo, Planning Director

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Kathleen Deree, Town Clerk

Case # 3280

Date of Hearing: 4/20/2016