

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, January 3, 2018

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Ed Foley
Brandon Diem

Also Present: Eric Schneider, Principal Planner
Janet Murray, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:30 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

Old Business:

Case #3346 - Remand in accordance with Land Court Order 17 MISC 000151. Continued from 11/29/2017, closed on 12/13/2017 - The petitioners, Kevin and Laura Fall, for property located at 249 Ralph Talbot Street, also shown on the Weymouth Town Atlas sheet 46, block 534, lot 9, located in an R-1 Zoning District, seeking relief from the Board of Zoning Appeals to subdivide an existing 41,650 SF lot with an existing single-family dwelling, to create one lot with 21,605 SF, for construction of a new single-family dwelling, and a 20,045 SF lot, with the existing dwelling. The following is requested:

Special Permit: 120-53 Minimum lot area and minimum lot width

Mr. McLeod stated that the public hearing was closed at the 12/13/2017 meeting.

Mr. McLeod noted that Mr. Foley had missed a meeting. He asked Mr. Foley if he had watched the recording. Mr. Foley stated that he had viewed it and had signed the statement to that effect.

Mr. Foley stated that this application was filed prior to recent zoning changings. The case had previously been denied. The applicant appealed, and the case was remanded by the court after the appeal of the prior denial. He stated that this application meets the criteria.

Mr. McLeod stated that this is the last application that will come before the board under the old regulations. He pointed out that the lot is in keeping with other lots in the neighborhood. He added that the definition of a neighborhood has not always been clear. He continued that reasonable judgement as to what is the neighborhood would include the lots across Ralph Talbot Street

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The shape of the proposed lot is similar to those across the street as well as lots on Fairview Lane.

He added that the direct abutter was opposed to the applicant's plans but three other abutters are in favor.

Mr. McLeod stated that conditions on this application will protect the applicant as well as the abutter. Approval of this application will end litigation and maintain town control. It will also provide for the applicant.

Mr. Foley added that the abutter differed in her definition of a neighborhood. He continued that the definition of a neighborhood is not clear cut.

Mr. Denizkurt stated that the 40-foot frontage allows for this type of lot configuration.

Mr. Diem stated that the siting of the building could be a condition.

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3346.

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

The following conditions will apply:

1. Minimum 20-foot side yard setback
2. Arborvitaes will be planted - staff will work with the abutter, per Attorney Kelly's memo, not less than 25 evergreens for screening

The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Other Business

Upcoming Meetings - January 24, 2018, February 14, 2018, March 7, 2018

Minutes - 11/29/2017

Mr. Foley made a motion to approve the minutes of 11/29/2017 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

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Adjournment

Mr. Foley made a motion to adjourn at 7:50pm and was seconded by Mr. Moriarty.
VOTED UNANIMOUSLY.

Approved by:

Mr. Deniz Kurt, Clerk



1/24/18

Date