

**BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, November 4, 2015**

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

Also Present: Eric Schneider, Principal Planner
Lee Hultin, Recording Secretary
James Clarke, Planning Director

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:07 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Old Business:

1. Case # 3263 – Continued Public Hearing from 10-7-2015 - The petitioner, Edward Corkren, for property located at 289 Lake Street, also shown on the Weymouth Town Atlas Sheet 26, Block 295, Lot 25, located in an R-3 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance: Table 1 Minimum Lot Area Requirement

Presently located on the premises is a single-family residential dwelling on a ~36,300 SF lot. The petitioner is proposing to retain the existing dwelling and construct four (4) duplex townhouses.

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

Town Councilor Ken DiFazio said he organized a meeting with all the residents that were at the last meeting along with the applicant and only two residents came, Mark Divoy, Albana Rebocca and Councilor Arthur Matthews. They discussed the process at length and heard all their concerns. Albana agreed with the plan presented but had some conditions which were presented to the applicant.

The applicant has agreed to the conditions requested by abutting neighbors. These conditions were handed out to the board and were labeled Exhibit #1.

The applicant is going to meet with his attorney and review these conditions.

Ed Foley made a motion to continue this public hearing to December 2, 2015 and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

New Business:

1. Case #3264 – The petitioner, Steven Rigo, for property located at 93 Kings Cove Beach Road, also shown on the Weymouth Town Atlas sheet 6, block 55, Lot 28, located in an 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 by Special Permit

Presently located on the premises is a single-family residential dwelling on a 4,616 SF lot. The petitioner is proposing to construct a ~250 SF second floor addition within the side yard setback and partially in the flood zone.

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

Ed Foley made a motion to open the public hearing on Case #3264, 93 Kings Cove Beach Road and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the legal notice on Case # 3264, 93 Kings Cove Beach Road and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Appearing before the board was Steven Rigo and he stated that he purchased the house about 1 year ago, he would like to extend the roof line to the front of the house on the second floor for a master bedroom.

Eric Schneider said he met with Mary Ellen Schloss regarding her memo and she has withdrawn her requirement of the Conservation process.

Ed Foley asked if he was staying within the existing footprint of the building and the applicant stated yes.

Jim Clarke stated that the Building Department had a comment regarding the fire rating of the material on the south side. The plans already show no windows on that side so it should be approved as per plans.

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 #3264, 93 King Cove Beach Road and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

Ed Foley made a motion to approve Case #3264 for a special permit under Section 120-40 Extension or change of non-conforming use for a 250 square foot addition to the second floor of an existing 1,280 square foot home. The addition will complete the existing partial second floor. They will not encroach on the nonconforming aspects of the lot. There will be no windows on the south side as referenced in the plan and all materials used will have a one hour fire rating.

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 applicant will not encroach in the nonconforming aspects of the lot.**
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. **One hour fire rating materials will be used on and there will be no windows on the south side of the additional**
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. **There is adequate parking on the lot.**
4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use. **One hour fire rating materials will be used on the south side and there will be no windows on the south side of the additional**
5. That the public convenience and welfare will be substantially served with the proposal. **It will bring additional revenue to the town through taxes.**

Jonathan Moriarty seconded.

VOTED UNANIMOUSLY

2. Case #3265 – The petitioner, Jennifer Porter, for property located at 73 Cain Avenue, also shown on the Weymouth Town Atlas Sheet 18, Block 246, Lot 1, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: 120-13A Single-Family to a Two-Family

Presently located on the premises is a single-family residential dwelling on a 15,376 SF lot. The petitioner is proposing to demolish an existing detached garage and construct a ~ 1,104 SF addition with a separate entrance, kitchen, bath, two-bedrooms; and to construct a ~13'x 24' deck onto the rear of the dwelling.

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

Ed Foley made a motion to open the public hearing on Case #3265, 73 Caine Avenue and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the legal notice on Case # 3265, 73 Cain Avenue and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Jennifer Porter would like to demolish the garage on her existing property and build an addition for her parents.

Kemal Denizkurt asked why there are two bedrooms and the applicant stated her parents use separate bedrooms.

The proposed addition and her home would be about 2,300 square feet, it was asked what the size of the other 2 family homes are and staff did not have that answer.

The garage is 22 x 35.5 = 770 and the proposed addition is 1104 square feet.
There are currently 2 paved driveways.
The plot plan is inaccurate for what is proposed as it does not match the A1 plan sheet.

There are two plans attached and neither one is accurate. The board was finding it hard to follow. Ed Foley requested a certified plot plan the show the accurate dimentions for the application.

The applicant was advised to finalize her plans first and then come back before the board.

Ed Foley made a motion to contintue Case # 3265 to December 2nd and was seconded by Jonathan.
VOTED UNANIMOUSLY

3. Case #3266 – The petitioner, Elliot Savitz, for property located at 30 Aspinwall Avenue, also shown on the Weymouth Town Atlas Sheet 9, Block 77, Lot 15, located in an R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; Variance: 120-40; 120-51 Front and Rear Depth

Presently located on the premises is a single-family residential dwelling on a 7,012 SF lot. The petitioner is proposing to extend a rear deck to the front of the dwelling including stairs and covered landing.

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

Ed Foley made a motion to open the public hearing on Case #3266, 30 Aspinwall Avenue and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Ed Foley made a motion to waive the reading of the legal notice on Case # 3266, 30 Aspinwall Avenue and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Appearing before the board was Attorney Greg Galvin, 775 Pleasant Street, Weymouth and the applicant Elliot Savitz. He is seeking to extend the deck around to the side of the house and enter in through a bedroom area. This property drops down about 10 feet from the street level.

This is an extension of a nonconforming use. A mortgage survey plan was passed out to the board and labeled Exhibit #1 and the 3 letters from the neighbors supporting this application were labeled Exhibit #2. This plan shows the original deck and they are looking to extend it around the side of the house to the front doorway and they want to put a cover over it.

Ed Foley asked why he started the work without the permits and the applicant stated that he was fixing up the damage from the storms last winter and one thing lead to another. He does have a permit now that was issued July 7, 2015.

He has hired a surveyor that will do the work. It was asked what other work was done without pulling a permit and it was stated some work inside.

Hardship - Due to the typography of the lot there is no other place to park or to move the front entranceway to get into the house.

Jonathan Moriarty does not like the argument for the hardship as the applicant purchased the home knowing that the parking was where it is.

Ed Foley agrees with Jonathan on the hardship. He still does not like the idea that work has begun without a permit.

Ed Foley would like to see plans for the covering on the porch. The front steps are going to be composite. The roofline will be extended to cover the walkway to the front door.

Public Comment:

Kevin O’Leary, 37 Wachusett Road – He is opposed to the application. The walk from where the applicant parks to the front door is very minimal. He has lived there his entire life. The hardship reason is fictitious. Other owners navigated the stairs during the blizzard of 1978. The front door used to be in the middle of the house and has been moved over to the right. His view to the water is where his side deck will go and it will be blocked.

Ed Foley stated that the rear yard setback of 65 is a typo. 16 feet is required and now they are going right to the property line.

Ed Foley asked if the original rear deck was permitted and Attorney Galvin said it was there when he purchased the house therefore it is an existing nonconforming deck.

Ed Foley would like the plans of the new deck and roof.

Jonathan Moriarty asked if the applicant could add a garage on his lot and it was stated that due to the topography of the lot and the large drop it would be impossible to build a garage.

Ed Foley made a motion to continue the public hearing to December 2, 2015 and was seconded by Jonathan Moriarty.

VOTED UNANIMOUSLY

4. Case #3267 – The petitioner, Ayman Souleiman, for property located at 272 Bridge Street, also shown on the Weymouth Town Atlas Sheet 6, Block 59, Lot 7, located in the B-2 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit; Variance: 120-101 Service Stations, Repair Garages and Car Washes

Presently located on the premises is a garage and a separate building formerly used for retail sales, on an 8,704 SF lot. The petitioner is proposing to open an automobile sales and repair business.

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

This application was withdrawn without prejudice voluntarily.

Other Business:

1. Review of Minutes – October 7, 2015

Ed Foley made a motion to approve the minutes of October 7, 2015 as written and was seconded by Jonathan Moriarty
VOTED UNANIMOUSLY

2. Upcoming Meetings – December 2, 2015

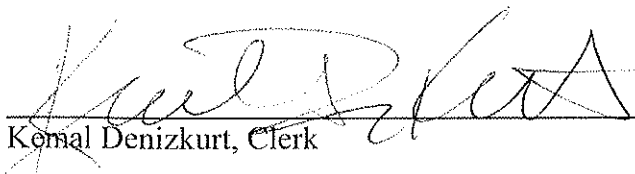
ADJOURNMENT

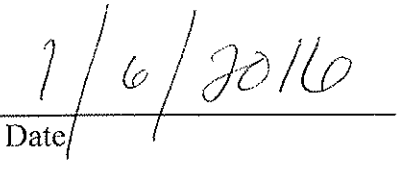
Ed Foley made a motion to adjourn at 8:45 pm and was seconded by Jonathan Moriarty.
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:


Kemal Denizkurt, Clerk


Date