

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
November 16, 2011**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, November 16, 2011 at 7 pm at McCulloch Building, Mary McElroy Meeting Room, 182 Green Street, Weymouth, MA for the purpose of passing on the application of certain persons whose petitions were properly before the Board. Notice of public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

Present:                       Richard McLeod, Chairman  
                                     Kemal Denizkurt, Clerk  
                                     Chuck Golden  
                                     Jonathan Moriarty  
                                     Robin Moroz, Alternate  
                                     Robert Stevens, Alternate

Staff:                               Robert Luongo, Economic Development Planner

Recording Secretary:       Mary Barker

The Chairman called the hearing to order at 7:15 PM and explained the procedures that would be followed to the people present. A motion was made to open the public hearing and waive the reading of the legal advertisement, and was seconded and unanimously voted.

**BZA CASE #3150 –19 Perkins Road, Public Hearing**

Application of Wayne and Linda Fitzgerald for property located at 19 Perkins Rd., also shown on the Weymouth Town Atlas as Sheet 34, Block 438, Lot 12, located in R-1 zoning district, seeking to demolish the existing 1,068 sq. ft. home and rebuild a 1,108 sq. ft. home.

Members sitting:       Richard McLeod, Chairman  
                                     Kemal Denizkurt  
                                     Chuck Golden  
                                     Jonathan Moriarty  
                                     Rob Stevens, Alternate

Wayne and Linda Fitzgerald appeared before the board. They requested to demolish the existing home which is an uninhabited, 40-50 year old building and replace with an energy efficient home. The new building slightly exceeds the footprint of the original. A filing with the Conservation Commission will be required due to the fact that the new structure will be within 25 feet of the high water mark of Whitman's Pond in the watershed protection. Bob Luongo provided the board with copies of the floor plan. There was a brief discussion of the demolition; the property is set on a narrow road that will make it difficult to bring in heavy equipment. The applicant intends to demolish the home himself and will not require heavy equipment other than a cement truck to pour a foundation. There are only three buildings on the road. The applicant owns two of them. The new home will be 2x6 construction with energy efficient windows and

insulation. The applicant intends to pull a permit for demolition and notes there are no detrimental materials in the building.

Bob Luongo reported that the application was routed to the various departments and reviewed their comments.

A motion was made by Chuck Golden to close the public hearing, seconded by Jonathan Moriarty and voted unanimously.

**To vote on the of BZA Case No. 3150 to approve a Special Permit to demolish the existing home and rebuild a home:**

A motion was made by Chuck Golden to approve the application for a Special Permit and was seconded by Jonathan Moriarty.

**FINDINGS**

Further, the board finds that:

1. The specific site is an appropriate location for such a use, located in a R-1 zone.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town. The property is surrounded by structures of similar size.
3. There will be no nuisance or serious hazard to vehicles or pedestrians. The existing structure was not a nuisance or posed a hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. The new structure will be connected to the Town's sanitary system.
5. The public convenience and welfare will be substantially served. The new structure will be a substantial improvement over the existing structure.

**DECISION OF THE BOARD** - Due to the above findings, it was unanimously voted to approve the application for a Special Permit to demolish the existing 1,068 sq. ft. home and rebuild a 1,108 sq. ft. home.

**BZA CASE # 3151- 646 Washington Street, Public Hearing**

Application of Paul Kazoliss for property located at 646 Washington St., also shown on the Weymouth Town Atlas as Sheet 29, Block 332, Lot 11 & 10, located in B-1 zoning district, seeking to expand the garage for more auto repairs.

Members sitting:      Richard McLeod, Chairman  
                                 Kemal Denizkurt  
                                 Chuck Golden  
                                 Jonathan Moriarty  
                                 Rob Stevens, Alternate

Owner Richard Ryan appeared before the board. He requested he be allowed to add an 18x40 bay to an existing building for auto repairs. Bob Luongo provided the board with copies of the survey plan. There are currently two buildings on the property; one used for repairs and one for sales. The property is in B-1 zoning and requires a 30' setback, so the application is a request for a Special Permit for an extension of an existing nonconformity. There is no change in hours of

operation. The owner has had a retaining wall built and gained parking. There was a brief discussion on the net space for parking with the addition and the retaining wall and whether a parking plan should be submitted. There will be two less parking spaces when the addition is done, but additional space will be provided inside the bay.

Bob Luongo reported the plan was routed to the various departments for review and there were no concerns. The building department would have indicated in its review if a parking plan was required.

**To vote on the of BZA Case No. 3151 to approve a Special Permit to expand the garage:**

A motion was made by Chuck Golden to approve the application for a Special Permit, seconded by Jonathan Moriarty.

**FINDINGS**

Further, the board finds that:

1. The specific site is an appropriate location for such a use; existing B-1 zoning district.
2. The use involved will not be detrimental to the established or future character of the neighborhood or town.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The public convenience and welfare will be substantially served.

**DECISION OF THE BOARD** - Due to the above findings, it was unanimously voted to approve the application for a Special Permit to expand the garage for more auto repairs.

**OTHER BUSINESS**

Case #3110- Bob Luongo reported that the canopy was installed, but the lighting is not recessed and spills over to the abutter's property. The abutter called Jim Clarke. As a result, the applicant will submit plans with revisions to shield lighting.

**Minutes-November 2, 2011**

A motion was made by Chuck Golden to approve the minutes of November 2, 2011; Case #3148, and Case #3149, seconded by Jonathan Moriarty and was unanimously voted.

**Adjournment**

The next meeting of the Board of Zoning Appeals will be on December 14, 2011. At 7:15 PM, there being no further business, a motion to adjourn the meeting was made by Jonathan Moriarty, seconded by Kemal Denizkurt and unanimously voted.

Approved:

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Kemal Denizkurt, Clerk

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Date