

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
MARCH 15, 2006**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, March 15, 2006, at 7:00pm at McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA for the purpose of passing on the applications of certain persons whose petitions were properly before the Board. Notice of the public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

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| Present:             | Richard McLeod, Chairman<br>Mary McElroy, Clerk<br>Donald Holzworth<br>Charles Golden<br>Robert Galewski |
| Staff:               | Rod Fuqua, Principal Planner   |
| Recording Secretary: | Janet Murray   |

The Chairman called the hearing to order 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 #2890 111 Fort Point Road**

Application of Richard W. and Jean A. Walsh Jr. for property at 111 Fort Point Road, also shown on the Weymouth Town Atlas Sheet 2, Block 7, Lot 7, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-55, 120-51 and Table 1 to attach an existing single family to an existing detached garage.

The applicants appeared before the Board. Mr. Walsh stated that he would like to enclose the portion of his property between the house and the garage. There is a 2' 10" space between them. It would be a breezeway.

Currently, the house conforms to zoning. The garage is non-conforming. On the westerly side it is less than 5' (4' 9") in the back corner and angles up and is non-conforming. When connected to the house, the garage would require a ten foot set back.

The proposed addition on the plan was put on in 2002. The applicants will be working with the Building Department to match the proposed enclosure up to the garage and the existing addition together with the new piece. This plan does not show the proposed addition.

This is a request for a variance. The attachment of the garage would increase the non-conformity of the property.

The home is on the Fore River. Mr. Walsh stated that they have a difficult time accessing their home due to weather conditions including icing from salt spray and windy conditions.

Mr. Walsh noted that it takes both him and his wife to open the side door when there is icing, and that they are unable to use the front entrance to their home because when the ice builds up it can be as much as 3 inches thick.

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Mr. Fuqua stated that the house is not centered on the property. The house dates back to 1936.

Rod Fuqua stated the application was routed to various Town Departments and received the following comments:

- Conservation Commission noted that there has been a filing but does not believe that there will be any negative impacts from this minor project.
- Health Department had no objections.
- Police Department had no issues.
- Fire Department had no issues
- DPW (Water, Sewer, Engineering, Highway)
  - Water Division had no comments.
  - Sewer Division had no comments.
  - Engineering Division noted that the description on the application does not match what is shown on the plans. Mr. Fuqua addressed this issue.
  - Highway Division had no comments.
- School Department had no special concerns.
- Tax Department noted that the taxes are up-to-date.

The Chairman asked if the public had any comments, to which there was no reply.

A MOTION to close the public hearing was made by Mary McElroy and was seconded by Donald Holzworth, and was UNANIMOUSLY VOTED.

Due to the hardship created by the property's location on the Fore River, which causes icing and windy conditions, Chuck Golden made a MOTION to APPROVE the request for a VARIANCE to attach an existing single family to an existing detached garage. The Board finds that, in its judgment; all of the following conditions are met:

- (1) The specific site is an appropriate location for such a use.
- (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.

The MOTION was seconded by Donald Holzworth and was UNANIMOUSLY VOTED.

### FINDINGS:

The Board found that the VARIANCE would not derogate from the intent and purpose of the Zoning Ordinance, and the requested relief could be granted without substantial detriment to the public good nullifying or substantially derogating from the intent and purpose of the Ordinance.

- (1) The specific site is an appropriate location for such a use.

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- (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:

The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings and the hardship created by the property's location on the Fore River, which causes icing and windy conditions, it was UNANIMOUSLY VOTED to APPROVE the request for a VARIANCE to attach an existing single family to an existing detached garage. The Board finds that, in its judgment; all of the following conditions are met:

- (1) The specific site is an appropriate location for such a use.
- (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.

### BZA CASE #2892 15 Pecksuot Road

Application of Michael Lonergan for property at 15 Pecksuot Road, also shown on the Weymouth Town Atlas Sheet 4, Block 34, Lot 9, located in an R-1 zoning district seeking a special permit and/or variance under 120-40 to allow enclosure of porches to an existing single family dwelling part of which lies within the setback area.

The Chairman called the hearing to order 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.

The applicant, Michael Lonergan of 72 Satuit Meadow Lane, Norwell, MA appeared before the Board with Matthew Capone of 34 Samoset Avenue, Hull, MA.

The applicant would like to enclose the front and rear porches. The addition would not increase the footprint of the house. The house is in disrepair and this would add to the value of the property and neighborhood when completed.

This property has a history of being run down by prior owners.

Mary McElroy asked if the portion beneath an upper level will be enclosed. The applicant stated that he does intend to enclose this portion.

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Rod Fuqua stated the application was routed to various Town Departments and received the following comments:

- Conservation Commission had no comment.
- Health Department had no objections.
- Police Department had no issues.
- Fire Department had no issues.
- DPW (Water, Sewer, Engineering, Highway) – Water Division suggested upgrading to a 1” water pipe.
- School Department had no special concerns.
- Tax Department noted that the February taxes show as being owed. The applicant noted that he purchased the home in October of 2005 and put in a change of address. He owns the home outright and only pays the taxes.

The Chairman asked if the public had any comments, to which there was the following comment.

Ronnie Snow he lives behind 15 Pecksuot Road noted that there are some rotted trees on the applicant’s property. The applicant stated that he intends to clean up the property and removing trees would be a part of it.

A MOTION to close the public hearing was made and seconded, and was UNANIMOUSLY VOTED.

A MOTION was made by Mary McElroy to APPROVE the request for a SPECIAL PERMIT to allow enclosure of porches to an existing single family dwelling part of which lies within the setback area with the condition that proof of taxes being paid is submitted. The Board finds that, in its judgment; all of the following conditions are met:

- (1) The specific site is an appropriate location for such a use.
- (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.

The MOTION was seconded by Robert Galewski and was UNANIMOUSLY VOTED.

### FINDINGS:

The Board found that the SPECIAL PERMIT would not derogate from the intent and purpose of the Zoning Ordinance, and the requested relief could be granted without substantial detriment to the public good nullifying or substantially derogating from the intent and purpose of the Ordinance.

- (1) The specific site is an appropriate location for such a use.

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- (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:

The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings, it was UNANIMOUSLY VOTED to APPROVE the request for a SPECIAL PERMIT to allow enclosure of porches to an existing single family dwelling part of which lies within the setback area with the condition that proof of taxes being paid is submitted. The Board finds that, in its judgment; all of the following conditions are met:

- (1) The specific site is an appropriate location for such a use.
- (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.

### MINUTES – 3-8-06

A MOTION was made and seconded to authorize the Clerk to sign the Minutes of the March 8, 2006.

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Richard McLeod Chair

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Date