

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
May 2, 2007**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, May 2, 2007, 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.

**Present:** Richard McLeod, Chairman  
Chuck Golden  
Kemal Denizkurt  
Martin Joyce  
Francis Kenneally

**Staff:** Rod Fuqua, Principal Planner

**Recording Secretary:** Christine Callbeck

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 #2952 1055-1057 Front Street**

Application of Ralph D. Coy for property at 1055-1057 Front Street, also shown on the Weymouth Town Atlas Sheet 41, Block 457, Lot 36, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-40 for an addition onto an existing nonconforming 3 family building.

Mr. Coy stated the reason for his request for special permit and/or variance is to allow for stairs to be built and attached to the second story of his property to allow for a fire exit. The total addition will be 10 x 30 plus stairs.

Mr. Fuqua gave a review of the project:

|              |                                                                                                                                                              |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conservation | not involved                                                                                                                                                 |
| Fire         | may need to check with fire department regarding fire alarms, but that would be something that applicant does when he goes for permit                        |
| Health       | not involved                                                                                                                                                 |
| Police       | not involved                                                                                                                                                 |
| DPW          | existing water service is $\frac{3}{4}$ inch, may need to check with DPW regarding an upgrade – DPW will assign numbers, but they already have 1055 and 1057 |

|         |              |
|---------|--------------|
| Schools | not involved |
| Tax     | not involved |

This request is before us because it's a non-conforming, multi family in a single family zoning district. In order to change the building envelop is required to come before the Board of Zoning Appeals.

A MOTION to close the public hearing was made by Mr. Joyce and seconded by Mr. Golden, and was UNANIMOUSLY VOTED.

- (1) No commercial vehicles are to be stored on the property.
- (2) Building Department will review for clarification on what was previously constructed at this lot, as opposed to what is being proposed today.

- (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 serviced.

A MOTION was made to open the public hearing and waive the reading of the legal advertisement, and was seconded and UNANIMOUSLY VOTED.

Application of James C. McLeod, property at 799 Commercial Street, also shown on the Weymouth Town Atlas Sheet 14, Block 181, Lot 12, and located in a R-1 zoning district seeking special permit and/or variance under Chapter 120-40 and 120-51, Table 1, and 120-13A for a 2<sup>nd</sup> story apartment to be added to the original plan of land which consists of containing 16,179 square feet with a frontage of 118.76 with two car parking spaces.

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ago from Dr. Dylan and plans to turn 799 Commercial Street into a two family apartment. Mr. McLeod has spoken with neighbors and abutters and all seem to be in favor.

Mr. Fuqua gave a review of the project:

|                   |                                                     |
|-------------------|-----------------------------------------------------|
| Conservation      | not involved                                        |
| Fire              | up to code                                          |
| Health            | not involved                                        |
| Police            | not involved                                        |
| DPW               | 1 inch water supply coming in, ¾ feet the apartment |
| Curb workers      | not involved                                        |
| Engineering Dept. | not involved                                        |
| Schools           | not involved                                        |
| Tax               | not involved                                        |
| Town Council      | not involved                                        |

Attorney DiFazio stated that the lot is clean and measures 118.86 feet wide. The building has two doors at each entrance, the set of stairs in the rear are for fire escape. A large 3 car garage is located on the property with only one accessible door. Applicant plans to add a second door to the garage face. Two parking spaces are available (1) on Commercial Street and (1) on King Oak Hill. Additional spaces are available (1) in the garage and (1) at the rear of the building.

Staff comments:

History of the building goes back to its originality was used as a convalescent home, became a three family, then a doctors office and so the two family use is not inconsistent with the long history on this property.

Dick Steele, 791 Commercial Street

Mr. McLeod is doing a great job on fixing up the property and Mr. Steele has no complaints. The work Mr. McLeod has done to the property is tremendous. Finally, Mr. Steele hopes that the Board will support the request.

A MOTION to close the public hearing was made by Mr. Denizkurt and seconded by Mr. Joyce, and was UNANIMOUSLY VOTED.

Mr. Denizkurt made a MOTION to APPROVE the application for SPECIAL PERMIT with the following condition:

- (1) No commercial vehicles are to be stored on the property.

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.

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- (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 serviced.

The MOTION was seconded by Mr. Golden and was UNANIMOUSLY VOTED.

**Minutes** – April 18, 2007 – Case # 2934, 2934A, 2938 and 2990 (modification)

Mr. Golden made a MOTION to APPROVE the minutes of April 18, 2007, Case #2934, 2934A, 2938 and 2990, the MOTION was seconded by Mr. Denizkurt and UNANIMOUSLY VOTED.

**Adjournment**

There being no further business to come before the Board of Zoning Appeals, a MOTION to adjourn was made by Mr. Denizkurt and seconded by Mr. Golden, UNANIMOUSLY VOTED to adjourn at 7:35PM.

Approved: \_\_\_\_\_  
Richard McLeod, Chairman

\_\_\_\_\_  
Date