

**BOARD OF ZONING APPEALS  
RECORD OF MINUTES AND PROCEEDINGS  
MAY 3, 2006**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, May 3, 2006, at 7 pm 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 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  
                              Edward Foley, Vice-Chair  
                              Mary McElroy, Clerk  
                              Chuck Golden  
                              Donald Holzworth  
Staff:                     Roderick M. Fuqua, Principal Planner  
Recording Secretary: Mary Briggs

The Chairman called the hearing to order at 7:06 pm.

**BZA CASE #2900 - 8 Pequot Road**

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 Kevin and Emily Smith for property at 8 Pequot Road, also shown on the Weymouth Town Atlas Sheet 4, Block 27, Lot 16, zoned R-1, seeking a special permit and/or variance under Chapter 120-40 to enclose a rear porch, add a second story and enclose and extend porch as part of kitchen.

The applicants both appeared before the board, and gave a brief description of the plans. The addition will be on the original footprint, with a half-story addition and full mansard roof, with a master bedroom and bathroom on the upper floor. The owners noted they have owned the property for 1.5 years, and did not use an attorney's services in the purchase.

Rod Fuqua noted the plan was routed and the following responses were noted:

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|----------|--|---|
| 1. Fire: | Smoke and CO detectors would be required |   |
| 2. DPW   | Water & Sewer:                           | May require mitigation when permits applied for   |
|          | Engineering:                             | A discrepancy noted in the deed; size of plot shown on deed differs from that on plot plan. |

Mr. Fuqua noted the concerns of the Engineering Department, and recommended for informational purposes the owners get a corrected deed to show the actual setbacks. He recommended the full mansard roof be surfaced with roofing material as a condition in approving the request. He also noted the plan meets the half-story as in the zoning, and approval is not a variance for a third story, nor will it be allowed to exceed the 35' limit.

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

**FINDINGS:**

The Board finds 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. The Board finds that, in its judgment, all of the following criteria 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.

**DECISION:**

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, a MOTION was made by Edward Foley to APPROVE the request for a SPECIAL PERMIT to enclose a rear porch, add a second story and enclose and extend porch as part of kitchen, with the following conditions to be met:

1. The approval will not be a variance for a building with more than 2.5 stories, nor exceeding the 35' height requirement.
2. The entire mansard roof will be surfaced with roofing material.
3. A survey plot plan giving actual setbacks be filed with the building permit application.
4. The deed will be updated prior to applying for a building permit.

**BZA CASE #2901 - 59 Parnell Street**

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 Debra Fordham for property at 59 Parnell Street, also shown on the Weymouth Town Atlas Sheet 2, Block 6, Lot 6, zoned R-1, seeking a special permit and/or variance under Chapter 120-40 for an addition to a single family house, part of which lies within the setback area.

The owner was present at the hearing, and she briefly explained her plan. The proposed addition will bring the wall line of the new portion in line with a bath wall that currently juts out, but will not further encroach on the setback.

Rod Fuqua noted the plan was routed, and with the following responses noted:

1. Health Dept. notes #57 Parnell is not tied into the sewer line.
2. DPW notes water & sewer mitigation may be required.

Mr. Fuqua noted that conditions cannot be set to property owners other than the applicant. He also noted that the board's decision should specify that a survey plot plan with actual building

setbacks shown be obtained prior to applying for a building permit, and also, since the property is within 30" of the setback in the rear of the property, that a favorable decision does not grant any easement, right of permission to encroach onto abutting property during construction.

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

**FINDINGS:**

The Board finds 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. The Board finds that, in its judgment, all of the following criteria 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.

**DECISION:**

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, a MOTION was made by Edward Foley to APPROVE the request for a SPECIAL PERMIT for an addition to a single family house, part of which lies within the setback area, with the following conditions to be met:

1. At no time during construction will this decision grant any easement, right or permission to encroach onto the abutting property to the rear.
2. A survey plot plan giving actual building setbacks be filed with a building permit application.

**OTHER BUSINESS**

There was no other business.

**MINUTES - April 19, 2006, Case # 2898 and 2899**

A MOTION was made by Mary McElroy to accept the minutes, and was seconded by Edward Foley and UNANIMOUSLY VOTED.

**ADJOURNMENT**

At 7:20 pm, there being no further business, a MOTION was made by Mary McElroy to adjourn. This was seconded by Edward Foley and UNANIMOUSLY VOTED.

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Mary McElroy, Clerk

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Date