

BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
August 22, 2007

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, August 22, 2007, at 7:00pm at McCullough 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 Mary McElroy, Clerk Donald Holzworth Charles Golden Francis Kenneally
Staff:	James Clarke, Director of Planning & Community Development Rod Fuqua, Principal Planner
Recording Secretary:	Janet Murray

BZA CASE #2962 1581 Commercial Street

Application of 1581 CSW LLC Nominee Trust for property at 1581 Commercial Street, also shown on the Weymouth Town Atlas Sheet 19, Block 255, Lot 6, located in a B-2 and R-1 zoning district seeking a special permit and/or variance under Chapter 120-27(c) for eight (8) residential units in a B-2 zone.

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

This hearing was opened July 25, 2007 but no testimony was taken so any Board members may sit on this case.

Attorney Gregory Galvin appeared before the Board with the applicants, Anthony Agnitti and Lawrence Agnitti.

This is an application for construction on this parcel which is B-2 zoned with a small portion in the rear being R-1. The applicants are seeking to build eight (8) units. It would be one building with two stories. The applicant has shown a plan with 16 parking spaces that does not have parking on the R-1 portion of the lot. The dumpster has been located in an area with least affect on the abutters; it will be fenced.

The units would be studio apartments. The lot is at the intersection of Commercial and Hawkins Street. The applicant has had two neighborhood meetings. Mr. Galvin noted that a concern of the neighbors is the amount of asphalt planned. The applicants have submitted a landscaping plan.

Mr. Galvin noted that there would be no parking on Hawkins Street.

Mr. Galvin stated that this is an application under 120-27(c) for multiple-family dwelling in a B-2 zone.

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Mr. Holzworth questioned the need for a variance to the floor area ratio (FAR) of .30. Mr. Galvin stated that the calculation would be .28 (FAR).

Mr. Holzworth asked about lot coverage requirements. Mr. Fuqua stated that in the B-2 there is no maximum lot coverage.

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

- Conservation Commission has noted that the property is outside its jurisdiction so no filing with the Commission is required. However measures should be taken during construction to ensure that sediment laden runoff from the construction site does not enter catch basins on Commercial Street. These catch basins discharge to the Back River.
- Health Department stated that the cesspool must be pumped out and decommissioned in accordance with Title V of state Environmental Code 310 CMR 15.00.
- Police Department noted concerns regarding any possible parking variances. This project is in an area of new T station and Hawkins Ct. and is going to be posted no parking.
- Fire Department noted general comments regarding plans, hydrants, street name and number, and sprinklers.
- DPW (Water, Sewer, Engineering, Highway)
 - Water Department had no comment.
 - Sewer Department noted that water and sewer mitigation fees will be due and that the applicant should connect to the existing sewer stub on the property.
 - Highway Department/C&M Division/DPW Director noted that if any cuts are made in Commercial Street pavement, flowable fill (CDF) backfill and infrared treatment of the asphalt patch will be required.
 - Engineering Department had no comment.
- School Department stated that there were no special concerns.
- Tax Department are noted that the taxes are not up-to-date

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

Jan Pickerini, 25 Hawkins Street, asked about the size of the lot. Mr. McLeod stated that it is a 10,000 square foot lot. Ms. Pickerini stated that her single family home is on 10,000 square feet of land with three parking spaces. She stated that she thinks this project is too big for the lot. Ms. Pickerini noted that there could be problems with snow removal as the lot is small.

Mr. McLeod asked where the snow storage would be. Mr. Galvin noted that the snow could be plowed onto the R-1 portion of the lot.

Mr. Galvin stated that with the T station across the street, it would be surprising that there would be 16 vehicles. If snow removal was needed beyond the sites capacity, it would be hauled off site.

Mr. Galvin noted that if the 16 parking spaces are filled, the dumpster would be inaccessible.

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Maureen Supple, 1589 Commercial Street, stated that she thinks it is better to have this lot as residential. She stated that the Board could consider reducing the parking requirement to 1.5 spaces per unit. She noted that the applicant has an alternate plan for commercial usage, which she finds more concerning as it would involve a steady stream of customers coming and going.

Councilor Kenneth DiFazio, District 3 Councilor, stated that the applicants did meet with the neighbors on 7/16/07 and 8/15/07. He noted that he thought that the applicants were willing to listen to the neighbors' concerns and were cooperative. Several concerns were brought up; no parking of construction vehicles on site; air conditioning units – what type?, large tree on northwest portion of lot; follow new health board regulations regarding dumpsters; colonial lighting; studio units definition not in zoning handbook – units are 375 square feet with some storage space.

Councilor DiFazio noted that with the units being so small the need for two (2) parking spaces is not necessary. The reduction in parking spaces would allow for additional landscaping.

Ms. Supple questioned if there was enough room for additional lighting as her line of site existing is presently impaired by an existing telephone pole.

Councilor DiFazio stated that the lighting would be placed towards Jackson Square not in the direction of Ms. Supple's property.

Joanne Cameron, 22 Hawkins Court, stated that Hawkins Street is very narrow. She asked if the applicant has asked for a variance for parking. Mr. MacLeod stated that the applicant has not asked for a variance at this time.

Mr. Galvin noted that the condenser for the air conditioning will be along Hawkins Street and shielded by shrubbery.

Ms. Cameron noted that there is space behind the Brady building for parking. She stated that the plowing on Hawkins Street/Court is difficult because the streets are narrow. She also mentioned that the trucks presently parking along Commercial Street create problems for residents coming out of Hawkins Street/Court.

Ms. Supple stated that she is concerned that if the lot is bigger than needed, it could become an ancillary lot for the T station. Mr. MacLeod stated that the applicant could put up signs that it is private parking.

Councilor DiFazio stated that this is a reverse situation where the applicants and the neighbors think that less parking is better.

Steve Bergfors, Mount Vernon Road West, and president of the East Weymouth Neighborhood Association stated that the applicants have been very cooperative.

Mr. Clarke stated that he would bring this matter back to the office and review the concerns brought up with the Police Department.

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Mrs. McElroy made a MOTION to CLOSE the public hearing and was seconded by Mr. Golden and UNANIMOUSLY VOTED.

Mrs. McElroy made a MOTION to take this matter UNDER ADVISEMENT and was seconded by Mr. Golden and UNANIMOUSLY VOTED.

BZA CASE #2972 1535 Commercial Street

Application of Ryder Development Corp. for property at 1535 Commercial Street, also shown on the Weymouth Town Atlas Sheet 23, Block 254, Lot 2, located in a B-2 zoning district seeking a special permit and/or variance under 120-27(c) and Article VIII for multifamily dwellings on a lot in a B-2. Applicant meets the set back requirement and the Floor Area Ratio (FAR).

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.

Attorney Gregory Galvin appeared before the Board with the applicant, Ken Ryder, and the engineer Al Trakimas from Sitec. Mr. Galvin noted that this parcel is completely within the B-2 district. The applicant would like to construct 10 townhouse units.

Mr. Galvin noted that the units conform to the floor area ratio (FAR) at .26. The lot area is 33,500 square feet.

Mr. Kenneally stated that when he did a site inspection it was a disgrace with appliances and other items strewn across the front lawn. Mr. Galvin stated that the property is under agreement but there is still an owner.

Mr. Trakimas stated that the lot is higher at the rear of the property. He noted that there will be a catch basin approximately half way down the property and another one just before Commercial Street. The parking lot run off would then stay on the property. There will be an underground water recharge system. The zoning only requires 20 spaces.

Mr. Trakimas stated that the buildings have been set back 50 feet from Commercial Street. The site will be 40% green space. He noted that with the minimum FAR of .30, several more units could have been included but the applicant has decided not to include any more units. There will be 24 parking spaces.

Mr. Ryder stated that the units will all be two bedrooms. He stated that the intention is for the units to be owner occupied condominiums although this cannot be a condition. The entry way to the property will have a split entry with a planter between the two lanes.

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

- Conservation Commission stated that this project is outside the Commission's jurisdiction; however, if storm water is discharged from the project into Herring Brook (via the town's drainage system,) then the Commission would be authorized to review the discharge for compliance with the DEP storm water management standards. It appears

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that the current plan does not propose discharge to the storm drain system; however soil tests for infiltration suitability and capacity have not yet been completed so this may change.

- Health Department had no objections.
- Police Department had not submitted any comments.
- Fire Department had no comment.
- DPW (Water, Sewer, Engineering, Highway)
 - Water Department had no comment.
 - Sewer Department noted that more detail is need for the sewer manhole, a sewer schedule, with rim, inverts, and slope needs to be submitted, sewer manhole at the connection to the sewer main in Commercial Street should be added, the number of services connection to the new 8” sewer line should be reduced, and water and sewer mitigation fees will be due.
 - Highway/C&M Division/DPW Director noted that flowable fill and infra-red treatment of the trench patch will be required for any excavation within the Commercial Street Roadway.
 - Engineering Division noted that the street line/property is shown incorrectly. A 1981 widening of Commercial Street changed the lot lines. A new survey is required to determine property line location. A minimum of 3 lot corner bounds should be set and shown on as-built drawing.
 - A double grate catch basin frame and grate (LeBaron LV2448-200 is recommended at CB2 to minimize chance of excess runoff from parking lot bypassing CB and flowing onto Commercial Street.
- School Department expressed concern that ten townhouse units will have the potential to negatively impact enrollment, particularly at the Pingree School which is operating near capacity. There may also be cost implications due to increased demand for transportation.
- Tax Department noted that taxes are up-to-date and the utilities are current.

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

Dan Ciccolo, 25 Hill Street, asked if there would be fencing around the property. Mr. Ryder stated that he would be agreeable to installing fencing.

Mr. Ciccolo asked if there would be decks on the units. Mr. Ryder stated that there would be small decks on the rear of the units and they would be ground level decks – approximately 16” off the ground.

Mr. Ciccolo informed the Board that the dumpster at CVS is being emptied at 5:30am. He asked that if this project is approved that the regulation requiring no pickups before 7am be enforced.

Tammy Doherty, 36 Grant Street, stated that she has trash from CVS’ dumpster in her yard.

Trish Milligan, Hawkins Street, asked where the parking spaces are located. It was noted that the spots are in the front of the units and there is a 22’ drive aisle that allows for all turning movements to be on the property without backing onto Commercial Street.

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Bucky Rogers, 1545 Commercial Street, 30 years boat repair shop owner, stated that his property is commercially zoned. He noted that his property creates concerns in the neighborhood and the abutters have been amenable to his operations. He is concerned that with the arrival of these additional residential units, there will be multiple complaints that could potentially put him out of business. He noted that there have been automotive businesses on the lot for over 50 years.

Mr. McLeod stated that this business is in a B-2 zone and buyers of the units will see the business abutting their property.

Councilor DiFazio stated that there has been no correspondence between the applicant and the neighbors.

Councilor DiFazio asked if there could be a condition that the units be owner occupied. Mr. Ryder stated that these units will be condominiums and not apartments. They will be sold but the owner could then rent the unit.

Councilor DiFazio asked about the entrance/egress. Mr. Ryder stated the entrance will have a rock island that will separate the two roadways; one side for entry and the other for exit.

Councilor DiFazio expressed concern that this end of Commercial Street is being redeveloped piece meal. He stated that the lack of police comment at this time is concerning. He noted that with the continued development the traffic impacts are cumulative.

Domenic Galluzzo asked if the projects would tie into the town's sewer and have oil traps. Mr. Trakimas stated that the drainage system is onsite recharge so that there will be no runoff to Commercial Street. The storm water treatment unit will filter out contaminants.

Mr. Galvin stated that his client is under a purchase and sale agreement. He noted that waiting for Police comments is unnecessary as all traffic movements will be on site and the site lines are acceptable. He noted that the applicant could put two more units on the lot and still meet the FAR requirement of .30.

Mr. Holzworth questioned the mathematical equations for the FAR as it is listed at .30. Mr. Galvin stated that the architectural plans will be corrected to show the FAR as .26. He also questioned the drainage system and having an oil separator.

Mr. Trakimas stated that the site will have a deep sump manhole or storm water management and that this would handle the drainage and runoff.

Mr. Fuqua stated that comments from DWP have not been received.

A MOTION was made by Mrs. McElroy to CONTINUE the hearing until September 5, 2007 and was seconded by Mr. Holzworth and UNANIMOUSLY VOTED.

BZA CASE #2970 14 Pasteur Street

Application of Van Heffernan for property at 14 Pasteur Street, also shown on the Weymouth Town Atlas Sheet 55, Block 602, Lots 6, 7, 8, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-51, Table 1, 120-53 & BZA Case #2230 for an

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addition within 50' setback area as established by special permit case #2230 of February 25, 1993.

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.

Mr. Fuqua stated that the request meets the town's setback requirements; however in case #2230 there was a requirement of a 50' setback. In the 1993 minutes there is no discussion as to why this condition was required. He stated that he checked the building department records but could not find anything to identify why this 50' setback was required. Absent any particular reason for this 50' setback, the 10' setback is acceptable.

Richard Jensen, 507 Union Street and an abutter, had no objection to the addition of a two car garage with a room above it.

Mr. Fuqua noted that the action to be taken would involve rescinding the 1993 condition and allowing the property to follow existing zoning requirements.

Rod Fuqua stated the application was routed to various Town Departments and received favorable or no adverse comments.

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

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

A MOTION was made by Mr. Golden to APPROVE the request for a SPECIAL PERMIT for an addition within 50' setback area as established by special permit case #2230 of February 25, 1993 thus RESCINDING the 50' setback condition established by special permit case #2230 of February 25, 1993.

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 Mrs. McElroy 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.

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- (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 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 for an addition within 50' setback area as established by special permit case #2230 of February 25, 1993 thus RESCINDING the 50' setback condition established by special permit case #2230 of February 25, 1993.

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 #2971 41 St. Margaret Street

Application of Richard Hogan for property at 41 St. Margaret Street, also shown on the Weymouth Town Atlas Sheet 34, Block 383, Lot 19, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-40 for a 2nd story addition to single family within setback.

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.

Mike Lewis, St. Margaret Street and Lane Ave, appeared before the Board on behalf of the applicant who was also present. Mr. Lewis is the contractor.

Mr. Lewis stated that the proposal includes a two foot overhang on the front and side of the dwelling. The dwelling will not have two-stories over entire house as there would be cathedral ceiling

Mr. Lewis stated that without the overhang there would be no further encroachment. However, with the overhang he is able to add two feet which can add more living space. He noted that this is the only place to put this addition.

Mr. Fuqua noted that this request is for both a variance and special permit.

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Mr. Lewis stated that this is a small house. The addition going straight up is not feasible as you would lose living space for stairs.

Mr. Hogan submitted a letter from his neighbors in support of the project.

Rod Fuqua stated the application was routed to various Town Departments and received favorable or no adverse comments.

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

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

A MOTION was made by Mrs. McElroy to APPROVE the request for a SPECIAL PERMIT and due to the hardship created by the shape of the house and the location of the stairway a VARIANCE for a 2nd story addition to single family within setback.

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 Mr. Kenneally and was UNANIMOUSLY VOTED.

FINDINGS:

The Board found that the SPECIAL PERMIT and 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.
- (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 and due to the hardship created by the shape of the house and the location of the stairway a VARIANCE for a 2nd story addition to single family within setback.

The Board finds that, in its judgment; all of the following conditions are met:

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- (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 #2973 18 Twilight Path

Application of John Vanderpool for property at 18 Twilight Path, also shown on the Weymouth Town Atlas Sheet 27, Block 354, Lot 30, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-40 to rebuild and extend the rear portion of the house, 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.

Mr. Vanderpool stated that he would like to extend his roof and add to the rear of his house. The addition is further encroaching on the side yard setback. Part of the property bumps out, and the non-conformity is reduced on the other side. There will be further encroachment to the rear set back.

Rod Fuqua stated the application was routed to various Town Departments and received favorable or no adverse comments.

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

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

A MOTION was made by Mr. Holzworth to APPROVE the request for a SPECIAL PERMIT to rebuild and extend the rear portion of the house, part of which lies within the setback area.

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 Mrs. McElroy 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

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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.
- (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 rebuild and extend the rear portion of the house, part of which lies within the setback area.

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 #2974 117 Chard Street

Application of Elizabeth Sarah Hodges, Trustee for property at 117 Chard Street, also shown on the Weymouth Town Atlas Sheet 18, Block 239, Lot 9, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-53 to subdivide one lot into two lots; lot 1 having approximately 13,280 square feet and lot 2 having approximately 13,480 square feet.

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.

Attorney David Kelly appeared before the Board with the applicant Ms. Hodges. Mr. Kelly stated that the existing dwelling is located on lot number 2 and the new dwelling would be located on lot number 1.

Mr. Kelly showed a map of the surrounding area and noted that there are only four (4) conforming lots; there are 99 non conforming lots. The average size of the lots is roughly 11,000 square feet. The 2 proposed lots are larger than 76 of the current non-conforming lots.

Mr. Kelly noted that the proposed dwelling will comply with all set back requirements.

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

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- Conservation Commission stated that the property is outside of the commission's jurisdiction.
- Health Department had no comment.
- Police Department had no comment.
- Fire Department had no comment.
- DPW (Water, Sewer, Engineering, Highway)
 - Water, Engineering, and Highway had no comment.
 - The Sewer Department noted that 117 Chard is not connected to the sanitary sewer system and that mitigation fees are required for both the existing home and the proposed home.
- School Department had no special concerns.
- Tax Department noted that FY 2008 1st quarter is O/S. The utilities are current.

Mr. Fuqua stated that he received two letters regarding this application. One letter was from Mr. John Heron of 129 Chard Street who stated that he was in favor of the proposal. The other letter was from Mr. Robert Brown of 145 Chard Street who stated that he is opposed to the proposal.

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

Mr. Alan Massison of 114 Chard Street stated that he is in favor of the proposal.

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

A MOTION was made by Mr. Kenneally to APPROVE the request for a SPECIAL PERMIT to subdivide one lot into two lots; lot 1 having approximately 13,280 square feet and lot 2 having approximately 13,480 square feet with the following condition:

- (1) The existing home at 117 Chard Street must be connected to the municipal sewer by June 1, 2008.

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 Mrs. McElroy 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 subdivide one lot into two lots; Lot 1 having approximately 13,280 square feet and Lot 2 having approximately 13,480 square feet with the following condition:

- (1) The existing home at 117 Chard Street must be connected to the municipal sewer by June 1, 2008.

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 – July 25, 2007 and August 15, 2007

A MOTION was made and seconded to approve the Minutes of July 25, 2007 and August 15, 2007 and was UNANIMOUSLY VOTED.

ADJOURNMENT

A MOTION was made and seconded to adjourn the meeting at 9:00 P.M. and was UNANIMOUSLY VOTED.

Mary McElroy, Clerk

Date