

**BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
December 19, 2007**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, December 19, 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: Mary McElroy, Clerk
Donald Holzworth
Charles Golden
Kemal Denizkurt
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 #2993 47 Pilgrim Road

Application of Lionel and Kathleen Godbout for property at 47 Pilgrim Road, also shown on the Weymouth Town Atlas Sheet 4, Block 24, Lot 6, located in an R-1 zoning district seeking a special permit and/or variance under Chapter 120-51 and Table 1 to add a farmer's porch in the front part of the house which lies within the setback area.

The applicant was informed that there were only 4 members present. The applicant was given the choice to proceed with only 4 members or to continue until the next meeting with the understanding that they would need a unanimous vote to be approved. The applicants chose to proceed with only 4 members.

Mr. & Mrs. Godbout appeared before the Board to request approval to build a farmer's porch on the front of the house in order to improve the appearance of the house and to add to its curb appeal.

Mr. Denizkurt asked if the foot print of the house would change. Mrs. Godbout stated that the house itself will not be increased.

Mr. Fuqua noted that the lot is less than 7,000 square feet. The porch if it were to be placed anywhere else, would not work. In the back of the property is the Wessagusset School building and parking lot. In the front of the property there is a park that has been improved. This porch will add quality, usable outdoor space. The neighborhood developed around the house is similar in nature. There is a natural breeze that occurs in the front of the house as opposed to the rear where the heating effect from the parking lot pavement makes for a hotter environment.

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.

BZA MINUTES – DECEMBER 19, 2007

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

Due to the hardship created by the size of the lot and otherwise created by the environmental situation, A MOTION was made by Mr. Golden to APPROVE the request for a VARIANCE. 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. Denizkurt 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.
- (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 VARIANCE to add a farmer's porch in the front part of the house 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.

MINUTES - November 28, 2007 and December 5, 2007

A MOTION was made and seconded to APPROVE the Minutes of November 28, 2007 and December 5, 2007 and was UNANIMOUSLY VOTED.

Mary McElroy, Clerk

Date