



THE LAW OFFICE  
OF

John J. Amendolare

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April 2, 2019

Weymouth Zoning Board of Appeals  
75 Middle Street  
Weymouth, MA 02189

**Re: Application for Special Permit Pursuant to Sec. 120-41  
44 Revere Road  
Applicant Lauren Brouillette**

Dear Mr. Chairman and Members of the Board:

This office represent Lauren Brouillette in her application for a Special Permit pursuant to Weymouth Zoning by-law 120-41 seeking to raze and rebuild the current single family home on the property at 44 Revere Road which was significantly damaged by fire on May 10, 2018.

As you are aware, this Board previously granted a similar request by Ms. Brouillette on November 21, 2018. Unfortunately, the Board's decision in that matter has been appealed by several abutters and the matter is currently under the jurisdiction of the Land Court. 19 MISC 0004. The Plaintiff/Abutters in that case allege that the new structure, as approved by the Board, is in violation of section 120-41. The Abutters further allege that the approved structure violates a private deed restriction prohibiting construction of a two story house on the property. The abutters' primary concern appears to be the extent to which their lake views may be obstructed.

Although disagreeing with the abutter's contentions, by this new application, Ms. Brouillette proposes to build a home which is virtually identical to the current fire-damaged structure and thus, hopes to alleviate the abutters' concerns and move forward with her life in Weymouth where she hopes to stay in the neighborhood she loves for many years to come.

Under Section 120-41 the Board must find that proposed structure is for the same use, is not substantially greater in area, height or size, and is not nearer to adjoining lot lines.

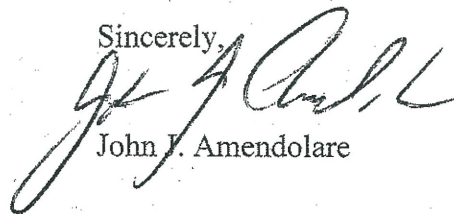
Here, the new home will be built in the same location and have a slightly smaller footprint, thus having a slightly smaller area and not any nearer to the adjoining lots. The height of the proposed structure is 21 feet from mean grade and as with the current structure, the proposed structure is a one story, single family home with an unfinished basement and a small attic space, thus no larger in size.

In merely continuing the current single family use in the R-1 district with a structure of virtually identical location and dimensions, we also submit that the Board can easily find the proposed project complies with the general criteria for Special Permits of Section 120-122 (D), to wit:

The site is an appropriate location for the home;  
The use will not be detrimental to the character of the neighborhood or town;  
There will be no nuisance or serious hazard to vehicles or pedestrians;  
There will be adequate and appropriate facilities; and  
The public convenience and welfare will be substantially served.

Based on the foregoing, the application and supporting documents, and public hearing, we respectfully request that this Board approve Ms. Brouillette's application for a Special Permit.

Sincerely,

A handwritten signature in dark ink, appearing to read "John J. Amendolare", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "A".

John J. Amendolare

April 2, 2019

Richard M. McLeod, Chairman  
Weymouth Zoning Board of Appeals  
Weymouth Town Hall  
75 Middle Street  
Weymouth, MA 02189

**RE: Special Permit Request Under Section 120-41  
44 Revere Road  
Applicant: Lauren Brouillette**

Dear Mr. McLeod and Members of the Board:

On behalf of the applicant, we request that the Zoning Board of Appeals grant a special permit for the reconstruction of a single family home under Section 120-41 and associated site improvements located at the above referenced location.

The existing single family home sustained fire damage earlier this year which has resulted in the need to reconstruct the structure. The Applicant/Owner wishes to raze the existing structure and rebuild a new single family home within the same footprint for the benefit of the Applicant/Owner. Site improvements include replacement of existing retaining walls, new retaining walls, walkways, fencing, landscaping and associated grading to provide additional drainage around the proposed structure.

The existing single family home, approximate 1,497 sf footprint will be razed and a new single family home, approximate 1,444 sf footprint is proposed. The rear deck shall be reconstructed within the same footprint. The stairs from the deck down to the existing waterfront deck shall be relocated to the south (left) side of the rear yard. A new walkway from the existing driveway area to the home is proposed which includes regarding the front yard to step the grade down to the home. This will provide opportunities to allow surface runoff to infiltrate to the extent practicable and provide additional drainage around the new structure. A new shed is proposed within the same footprint as the existing shed near the existing driveway area. Additional retaining walls, buffer landscaping, and fencing are proposed.

The topography on the lot slopes in a westerly direction from Revere Road towards Whitman's Pond. The existing home is somewhat centrally located from side to side while it is located more towards the rear of the property limiting side and rear yard areas. The property includes several ledge outcrops which in conjunction with the lot's shape and topography reduce the opportunities of relocating the structure on the property.

The property is non-conforming in size and dimensional setbacks. As shown on the attached plan entitled "Site Plan" dated October 29, 2018 and revised April 2, 2019, prepared by Merrill Engineers and Land Surveyors, the owners of the subject property would like to reconstruct the single family home and rear deck within the approximate same footprint within the property. The proposed construction will not increase the existing nonconforming dimensional



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requirements resulting in not being substantially more detrimental than the existing nonconforming structure/use to the neighborhood.

The grant of the requested special permit would not cause any detriment to the public good. The proposed structure will be located within the approximate same footprint as the existing dwelling. This will be in keeping with other lots in this area and consistent with the adjacent dwellings of this property. Relief if granted would allow the petitioner to use the property as intended and in a manner consistent with the intent and purpose of the Zoning Bylaws. New and additional landscaping is proposed to further screen the proposed use and enhance the appearance of the site in general. There is no change in use and the requested special permit will not result in the creation of additional lots or a more intensive use. The granting of the special permit will not result in an increase in street congestion, overcrowding of land or undue concentration of population.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

MERRILL ENGINEERS AND LAND SURVEYORS

A handwritten signature in blue ink that reads "Deborah W. Keller". The signature is written in a cursive, flowing style.

Deborah W. Keller, P.E.  
Senior Project Manager



**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION**

**TO BE COMPLETED BY STAFF**

*Town Clerk Stamp*

Case Number: \_\_\_\_\_

Submittal Accepted: \_\_\_\_\_ Date \_\_\_\_\_  
*Signature of Planning Dept. Staff for minimal requirements*

Determined to be complete and may now be filed with Town Clerk: \_\_\_\_\_  
*Signature of Principal Planner or Director*

**PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT**

**PROJECT / PROPERTY STREET ADDRESS:** 44 Revere Road

Assessor's Map Sheet, Block, & Lot: 26-345-4

Zoning District: Residential R-1 Overlay District: -

**OWNER OF RECORD (S)** (print & sign): Lauren Brouillette

(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: 44 Revere Road, Weymouth, MA 02189

Norfolk County Registry of Deeds Book and Page No. Bk 34675 Pg 132

Or registered in Land Registration Office under Certificate No. -

**NAME OF APPLICANT (S)** (print & sign): Lauren Brouillette

Applicant's Address: 44 Revere Road, Weymouth, MA 02189

Contact Information: Email lauren.brouillette@yahoo.com Phone 203-233-5786

Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐

**NAME & AFFILIATION OF REPRESENTATIVE:**

Address: The Law Office of John J. Amendolare, 304 Victory Road, Marina Bay, North Quincy, MA 02171

Contact Information: Email john@amendolarelaw.com Phone 617-376-0400

**NAME OF ENGINEER AND / OR ARCHITECT:** Axiom Architect, 781-871-2101

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.

Lauren Brouillette 4/2/2019  
Applicant / Petitioner - Date (sign & print)

## NATURE OF REQUEST

Application is for: ☒ Special Permit ☐ Variance Other: \_\_\_\_\_

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

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*The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the benefit of plan to accurately advertise the application before the Board.*

## PETITIONER'S DESCRIPTION AND NARRATIVE:

To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

The property consists of a single family home (1,497 sf footprint) with associated deck areas, walkways, shed and driveway area. The property also contains various retaining walls and fencing.

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

The existing home sustained a significant fire earlier this year and the applicant seeks to raze the existing single family home and construct a new home within the same footprint including new deck, retaining walls, walkways, landscaping, fencing and associated grading to provide appropriate drainage around proposed home.

3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).

Single family home is permitted by the Town of Weymouth Zoning Ordinance, under R-1 Zoning District, Section 120-11.

4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).

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5. Any other additional information as relevant to the Variance or Special Permit:

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## ZONING COMPUTATION WORKSHEET

(To be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

| Data                                      | Required   | Existing | Proposed  |
|---|------------|----------|-----------|
| Use                                       |            |          |           |
| Lot Area / Size (Sq. Ft.)                 | 25,000     | 7,077    | No change |
| Dwelling Units                            | 1          | 1        | No Change |
| Frontage (ft.)                            | 40         | 25       | No Change |
| Lot Width (ft.)                           | 120        | 40       | No Change |
| Front Yard Setback (ft.)                  | 18         | 102.6    | 104.0     |
| Front Yard Setback (ft.)<br>– corner lots |            |          |           |
| Side Yard Setback (ft.)                   | 10         | 1.5      | 1.6       |
| Side Yard Setback (ft.)                   |            |          |           |
| Rear Yard Setback (ft.)                   | 24         | 27.2     | No Change |
| Height (ft.) & # of<br>Stories            | 35 / 2 1/2 | 21 / 1   | 21 / 1    |
| Lot Coverage                              | 30%        | 30.5%    | 29.2%     |
| Off-Street Parking<br>Spaces              |            |          |           |
| Off-Street Loading<br>Spaces              |            |          |           |
| Parking Setback                           |            |          |           |
| Accessory Structure<br>Setback            |            |          |           |
| Landscaping                               |            |          |           |
| Floor Area Ratio                          |            |          |           |
| Signage                                   |            |          |           |
| Other:                                    |            |          |           |



## SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

### SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit **only** if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.

Single family dwellings are an allowed use within the Resident District R-1.

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

The use will be maintained as a single family home. The structure is proposed to be constructed within the same footprint and maintain the character of the residential neighborhood.

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

The use will be maintained as an allowed single family home and does not present potential for nuisance or serious hazard to vehicles or pedestrians.

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

The new single family home will be serviced by the existing utilities provided to the property from Revere Rd.

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

The grant of the requested special permit would not cause any detriment to the public good. The use will be maintained as a single family home which is in keeping with the surrounding neighborhood. Since there is no change in use, the requested special permit will not result in the creation of additional lots or a more intensive use. The granting of the requested special permit will not result in street congestion, overcrowding or land or undue concentration of population.

## SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS

### **Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use (Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")**

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

#### **EXTENSION OR CHANGE FINDINGS OF FACT:**

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):

2. Indicate how long the nonconforming aspects of the structure have been in existence:

3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:



## VARIANCE APPLICATION

To be completed for Variance applications only.

### VARIANCE FINDINGS OF FACT:

Criteria for approval. The Board may approve any such application for a Variance **only** if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.