



Minutes for Meeting

Zoning Board of Appeals, via Zoom

January 4, 2022 at 7:00 PM

Members present: Jane Fisher Carlson, Alan D. Rose, Jr., Natalie B. Sawyer

75 Newton Street: a hearing on a on a request by **Nan Zhang and Yefei Han** for an amendment to a special permit.

The following members were present:

- Jane Fisher Carlson, Chair and Acting Secretary
- Alan D. Rose, Jr.
- Natalie B. Sawyer

The property in question, 75 Newton Street, Weston, Massachusetts, (the “Premises”) is located in Single Family Residence District A and comprises 48,427 square feet in a District requiring a minimum of 60,000 square feet. The lot has adequate frontage in a District requiring a minimum of 200 feet for lots created before 1997. The lot is improved with a dwelling originally constructed in 1929, located in the southeast corner of the lot. The dwelling is sited 33 feet from the street in a district that requires a 60-foot setback. The dwelling is 15.2 feet from the side lot line in a district requiring a 45-foot side setback. The lot and the dwelling are pre-existing nonconforming.

Documents in the record include:

- ZBA Decision dated 12/9/14 granting a variance and special permit for an addition
- ZBA Decision dated 8/2/11 denying a petition to build an additional dwelling on the lot
- ZBA Decision dated 4/22/97 granting a variance for an addition
- ZBA Decision dated 4/29/96 granting a variance for an addition

- Plan of Land, 75, 83, 85 Newton Street, prepared by Cheney Engineering Co. Inc., dated 9/1/21.
- ZBA Decision for 83 Newton Street dated 5/27/21
- ZBA Decision for 85 Newton Street dated 5/27/21

Appearing before the Board were Yefei (Claire) Han of 75 Newton Street, Weston, Massachusetts, (collectively, with Nan Zhang, the “Petitioners”) and her attorney Jonathan White of Wilchins, Cosentino & Novins, LLP, 20 William Street, Suite 130, Wellesley, Massachusetts 02481, requesting an amendment to the ZBA’s 2014 Special Permit in order to allow for a change in lot size.

The owners of properties at 83 and 85 Newton Street, Weston, Massachusetts, discovered that the driveway that they share encroaches slightly onto the Premises. The driveway in question is in the vicinity of the property line between the Premises and 85 Newton Street. A land surveyor laying out a drainage easement for the Town of Weston beneath the shared driveway recently determined that the driveway encroached onto the Premises. The Petitioners and the owners of 83 and 85 Newton Street have worked out a potential land swap agreement so that the existing driveway can remain where it is currently located. The location of the easement will be revised.

The Petitioners and the owners of 83 and 85 Newton Street have agreed that the Petitioners would convey a small strip of the Premises, 311 square feet, to the other owners in order to remedy the encroachment. In return, the owner of 85 Newton Street will convey 165 square feet of land to the Petitioners, and the owner of 83 Newton Street will convey 170 square feet of land to the Petitioners. The Petitioners’ property will thereby gain 24 square feet of land in the exchange.

The Petitioners received a variance/special permit for an addition to their dwelling on December 9, 2014. They are now asking the Board to determine whether or not the proposed land swap will affect this variance/special permit. The proposed exchange will not add any new nonconformities to the Premises. It will increase the lot area by 24 square feet and will not affect any other nonconformities, as the house is located at the opposite end of the lot from the location where the exchange is taking place.

Following due and open deliberation, the Board, by unanimous decision, decided that the Petitioners’ request for an amendment to the Special Permit issued by the Zoning Board of Appeals on December 9, 2014 is unnecessary because the lot changes due to the proposed land swap are de minimis and have no effect on the Board’s granting of the Special Permit.

