



Minutes for Meeting

Zoning Board of Appeals, via Zoom

February 2, 2022 at 7:00 PM

Members present: Jane Fisher Carlson, Sujit Sitole, Natalie B. Sawyer

16 Woodchester Road: a hearing on a request by **Rebecca Kantar** for a special permit for an addition.

The following members were present:

- Jane Fisher Carlson, Chair and Acting Secretary
- Sujit Sitole
- Natalie B. Sawyer

Documents in the record include:

- 16 Woodchester Drive, Existing Site Plan, A0.1, prepared by Moskow Linn Architects, Inc. of Boston, Massachusetts, 11/22/21
- 16 Woodchester Drive, Zoning and Proposed Site Plan, A0.2, prepared by Moskow Linn Architects, Inc., 11/22/21
- 16 Woodchester Drive, Existing Floor Plans, A1.0, prepared by Moskow Linn Architects, Inc., 11/22/21
- 16 Woodchester Drive, Proposed Basement and Level 1 Floor Plans, A1.1, prepared by Moskow Linn Architects, Inc., 11/22/21
- 16 Woodchester Drive, Proposed Level 2 Floor and Roof Plans, A1.3, prepared by Moskow Linn Architects, Inc., 11/22/21
- 16 Woodchester Drive, Zoning and Proposed Site Plan, A2.0, prepared by Moskow Linn Architects, Inc., 11/22/21

- 16 Woodchester Drive, Proposed Exterior Elevations, A2.1, prepared by Moskow Linn Architects, Inc., 11/22/21
- Supplemental Explanation, prepared by Jonathan A. White, Wilchins, Consentino, & Novins, Wellesley, Massachusetts, 1/21/22
- Letter from Jonathan A. White, Wilchins, Consentino, & Novins, 2/1/22

The property in question, 16 Woodchester Drive, Weston, Massachusetts (the “Premises”) is located in Single Family Residence District B. The lot area is approximately 42,743 square feet in a District requiring a minimum of 40,000 square feet. The lot has 130 feet of street frontage in a district that requires 150 feet for lots created before 1997. The lot is nonconforming due to the lack of street frontage. The existing dwelling, which was built in 1955, is also nonconforming due to its location 33.1 feet from the east side lot line and 28.6 feet from the west side lot line in a District requiring a 35-foot side lot setback. In addition, the front of the dwelling is 47.2 feet from the street side line in a District that requires a 50-foot setback from the street sideline.

Appearing before the Board were Rebecca Kantar of 672 Chestnut Street, Waban, Massachusetts (the “Petitioner”), her attorney Jonathan White of Wilchins, Consentino & Novins, LLP of Wellesley, Massachusetts, and architects Keith Moskow and Katherine Signell of Moskow Linn Architects of Boston, Massachusetts. Attorney White explained to the Board that the Petitioner proposed to add a second story to the existing ranch house on the Premises and to build an addition in the rear of the dwelling. The Residential Gross Floor Area (RGFA) of the proposed dwelling after the addition will be 4,274 square feet, resulting in a RGFA/lot area ratio of 10%. The proposed addition would not add any new non-conformities to the existing home and uses the existing home’s footprint, except for the bump-out addition in the rear, which is located within the building envelope.

The Petitioner and her architects confirmed that the proposed height of the addition would be 33.6 feet, below the maximum limit of 37 feet under the Town of Weston Zoning By-law. The Board also asked whether there was any possible livable space on the attic level. The architects explained that the bedrooms on the second floor would have open, cathedral ceilings.

The Board noted that Drawing A0.2, the Zoning and Proposed Site Plan, shows a proposed tennis court that extends into the setbacks. Attorney White said that the tennis court design had since been revised to be located completely within the building envelope. However, the Board noted that since the tennis court was not a component of the Petitioner’s special permit application, and because the lot is nonconforming, the Petitioner would have to apply for a separate special permit for the tennis court.

A neighbor, Matthew Godoff of 22 Woodchester Drive, Weston, Massachusetts, appeared before the Board to state his support for the project.

Following due and open deliberation, the Board unanimously agreed that the Petitioner's proposed addition to the pre-existing nonconforming dwelling on the pre-existing nonconforming lot would not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling on the existing nonconforming lot, as shown on the plans and drawings submitted for this hearing. It does not encroach any further into the setbacks than the existing dwelling does, and its height is below the maximum limit established under the Town of Weston Zoning By-law. This special permit applies only to the dwelling addition proposed in the petition and specifically excludes the tennis court that is shown on Drawing A0.2.

141 Cherry Brook Road: a hearing on a request by **Shih-Chen Hsu** requesting a variance for an addition.

The following members were present:

- Jane Fisher Carlson, Chair
- Sujit Sitole
- Natalie B. Sawyer, Acting Secretary

Documents in the record include:

- Petitioner's Plan, 141 Cherry Brook Road, prepared by The Jillson Company, 12/6/21
- Hsu Residence – Addition, A-6, 141 Cherry Brook Road, prepared by LDC
- Presentation, 141 Cherry Brook Road, 2/2/22

The subject site, 141 Cherry Brook Road, Weston, Massachusetts (the "Premises"), is a conforming lot in Residential District A. Both the lot and home are conforming. Shih-Chen Hsu (the "Petitioner") appeared before the Board to explain that he is proposing to add a third bay to the existing two-car garage. The Petitioner represented that additional car storage is needed because an adult child is returning to live at the Premises.

The Petitioner explained to the Board that he is proposing to add a third bay to the garage that would extend into the required 45-foot side lot setback. The proposed garage would be 34.3'

from the side lot line at its closest point. The Petitioner submitted letters of support for this project from several neighbors, including the abutters at 129 Cherry Brook Road, whom this would most impact. The Petitioner also explained to the Board that there is another option to put the third bay onto the garage that would not require a variance by changing the garage entrance from front-facing to side-facing. However, this option would disrupt approximately 1,000 ft² of lawn and would require much more area be covered in asphalt driveway, which would increase demand of the storm water drainage system. This option is also not favored by the neighbors. The Board discussed that, in addition to the alternative option described by the Petitioner, other placement options appear to be available.

The Board noted that although the conforming third bay garage options may not be desirable environmentally or aesthetically, the criteria for a variance has not been met. The Board would be unable to grant a variance because the criteria have not been met, including that there is a lack of a hardship due to specific conditions of this lot.

At the request of the Petitioner, the request for the variance was withdrawn without prejudice.