



Minutes for Meeting

Zoning Board of Appeals, Weston Town Hall

May 20, 2019; 7:30 pm

Board Members present: Carlson, Rose, Sitole, Li

200 Newton Street: application by Alix Keating, 200 Newton Street (Map 33, Lot 15), requesting a special permit for an addition.

Pursuant to the foregoing notice the Board held a public hearing on Monday, May 20 at 7:30 pm, at the Weston Town Hall. The following members were present:

- Jane Carlson, Acting Chair
- Alan Rose
- Sujit Sitole, Acting Secretary

Documents in the record include:

- Proposed Site Plan, prepared by Breuker Design LLC, dated March 21, 2019
- Proposed Plan and Elevations, prepared by Breuker Design LLC, dated March 19, 2019

The property in question, 200 Newton Street (the "Premises") is located in the Single Family Residence District A. It is an existing non-conforming property. The proposal is to demolish the existing sunroom, and build a larger sunroom. The Premises currently has a front setback of 37 ft-5 in (60 ft required) and a side setback of 48 ft-2.5 in (45 ft required). The proposed new sunroom is one inch further away from the street (37 ft-6 in), but encroaches to the side setback by 2.5 inches (44 ft-9.5 in away from property line). The new sunroom adds 50 ft² of living area.

There were two previous ZBA cases:

2003 – variance was issued to remove a carport and build an addition with the setbacks.

2004 – variance was issued to build a bulkhead within the setbacks.

Jane Carlson opened the hearing. Appearing before the Board was Alix Keating, 200 Newton Street homeowner (the “Petitioner”) Ms. Keating explained that the new sunroom will be in the same location as the old sunroom, and will be 3.5 feet longer towards the southwest corner of the lot.

The Board noted that the application did not include a certified plot plan per Schedule B nor certified RFGA. The Board also noted that there is a new non-conformity proposed by extending the new sunroom 2.5 inches into the setback. They recommended that the Petitioner reduce the length of the sunroom by 2.5 inches to keep that edge of the room out of the side setback.

DECISION:

Following due and open deliberation, the Board, by unanimous decision, issued a special permit with two conditions:

1. Reduce the length of the sunroom by 2.5 inches to avoid encroaching into the side setback.
2. Submit a certified plot plan showing the building setback envelope and certified RFGA numbers.

Petition: Approved

31 Perry Lane: application by David & Heidi Estrada, 31 Perry Lane (Map #28, Lot #27), requesting a special permit for a garage addition.

Pursuant to the foregoing notice the Board held a public hearing on Monday, May 20 at 8:00 pm, at the Weston Town Hall. The following members were present:

- Jane Carlson, Acting Chair
- Alan Rose, Acting Secretary
- Sujit Sitole

Documents in the record include:

- Site Plan, 31 Perry Lane, prepared by Snelling & Hamel, dated March 25, 2019
- Proposed Garage Elevations, Architectural Site Plan, Existing Elevations, Floor Plans, first and Second Floor, RFGS Calculations, prepared by Keith Gross, dated March 25, 2019

- Note from Keith Gross regarding the reasoning behind the location of the proposed garage.

The property in question, 31 Perry Lane (the "Premises") is located in the Single Family Residence District B. The proposal is to build a two-car garage within the setbacks of Derby Lane, which is a paper road that has not been built. The proposed garage is 15.1 feet away from the edge of Derby Lane and 35.1 feet away from the centerline of Derby Lane.

There was a previous ZBA case in 1990, in which the Board issued a variance to build an addition that is 44 feet away from the non-existent Derby Lane.

Appearing before the board were David and Heidi Estrada, 31 Perry Lane homeowner (the "Petitioner"), with Jonathan White and Eric Goldberg, both of Wilchins Cosentino and Novins LLP, 20 Williams Street, Wellesley, MA.

Mr. White explained that the Derby Lane paper road extension was planned in 1940, and thus has not been built for over 70 years. In 1990, a variance for an addition or an indoor pool/spa was issued. Mr. White and the Petitioner stated that the five neighbors surrounding the house all support the project.

Mr. White explained that due to MGL statute 40A, Section 7, after 10 years for which a structure is non-conforming, it can be changed with a special permit.

Mr. White passed out a statement from architect Keith Gross stating that the garage was located where it is proposed due to the topography and due to ADA criteria for minimal elevation changes from the garage to the house.

DECISION:

Following due and open deliberation, the Board, by unanimous decision, issued a special permit without any conditions for a garage which will be located in the setback area of Derby Lane, substantially as shown on the "Site Plan 31 Perry Lane", prepared by Snelling & Hamel Associates, Inc., 10 Lewis Street, PO Box 102, Lincoln, MA, dated March 25, 2019, and as shown on the "Garage Plan & Elevations", "Architectural Site Plan", "RFGA Calculations", prepared by Keith B. Gross, RA, 34 Silver Hill Road, Weston, MA, dated March 25, 2019.

This approval was granted based on the following findings: The existing home is non-conforming by virtue of a variance issued in 1990 which allowed the home to encroach towards Derby Lane (44 feet away versus the 50 feet required). This portion of Derby Lane is a paper road extension that has not been built for 70 years, and is not expected to be built. Although the new garage will be closer to Derby Lane (15.1 feet away), it was determined that this

addition will not be substantially more detrimental to the neighborhood, especially considering that this portion of Derby Road does not exist as a real road.

Petition: Approved

333 Winter Street: application by The Rivers School c/o Jon Wasserman (Map #60, Lot #9) for approval for scoreboards, team shade structures, and athletic ball netting.

Pursuant to the foregoing notice the Board held a public hearing on Monday, May 20 at 8:30 pm, at the Weston Town Hall. The following members were present:

- Winifred Li, Chair
- Jane Fisher Carlson, Acting Secretary
- Sujit Sitole

Documents in the record include:

- Existing Conditions Plan, The Rivers School, 333 Winter Street, Precision Land Surveying, Inc. of 32 Turnpike Road, Southborough, Massachusetts (3 sheets), all dated December 20, 2018
- Site Preparation Plan (Sheet SP1.1), Site Preparation Plan Details (Sheet SP 1.2), Layout and Materials Plan (Sheet L1.1), Grading Plan (Sheet L2.1), Utility Plan (Sheet L3.1), Utility Details – Sheet I (Sheet L3.2), Utility Details – Sheet II (Sheet L3.3), Planting Plan (Sheet L4.1), Planting Details (Sheet L4.2), Enlargements (Sheet L5.1), Team Area Enlargements (Sheet L5.2), Detail Sheet I (Sheet L6.1), Detail Sheet II (Sheet L6.2), Detail Sheet III (Sheet L6.3), Detail Sheet IV (Sheet L6.4). Detail Sheet V (Sheet L6.5), all prepared by Activitas of 16 School Street, Dedham, Massachusetts (“Activitas”) and all dated April 4, 2019; and Davis Fields Renovation elevations, prepared by Activitas and dated January 29, 2019.

The property in question, 333 Winter Street, Weston, Massachusetts (the “Premises”) is also known as The Rivers School. The Rivers School (the “Petitioner”) is proposing to renovate their athletic facilities. They propose to convert grass fields to synthetic turf fields, construct a storage building, paved walkways, two scoreboards, team area shade structures, and athletic ball netting. The scoreboards, team area shade structures, and athletic ball netting would be located within the 85-foot setback from the centerline of Winter Street in Weston.

Appearing before the board were Jonathan White and Eric Goldberg, both of Wilchins Cosentino & Novins, LLP of 20 William Street, Wellesley, Massachusetts, attorneys for the

Petitioner, along with Holly Ganser and Mark Novak, both of Activitas Landscape Architecture & Civil Engineering of 70 Milton Street, Dedham, Massachusetts, the Petitioner's design consultants.

Mr. White informed the board that this project had already received Site Plan Approval from the town of Natick on March 20, 2019, since part of the project is located in Natick. The Weston Planning Board issued a permit for earth removal, as well as Limited Site Plan Approval, on April 10, 2019. The project was issued an Order of Conditions from the Weston Conservation Commission.

Mr. Novak explained to the Zoning Board of Appeals that the proposed football field would be moved to the new Winter Street location because the Petitioner is building a new science center where the existing football field is located. Three houses on Hovey Street in Natick are being demolished, and a 3- to 4-foot berm will be installed on the west side of the Premises.

The proposed scoreboards are 24 feet above the field, facing away from Winter Street. The backs of scoreboards, which face Winter Street, will be painted black. The proposed shade structures are 9 feet tall, and the roof is fabric. There is no new vegetation planned along Winter Street, where the shelters will be located. The proposed athletic netting will be 20-foot high black ball netting with a 4-foot chain link fence along its base.

DECISION:

Following due and open deliberation, the Board, by unanimous decision, approved the project under the Dover Amendment, agreeing with the Petitioner that the uses and structures involved with the project can reasonably be described as "educationally significant," and that this will be the primary purpose for which such land and structures will be used.

Petition: Approved