



Minutes for Meeting

Zoning Board of Appeals, via Zoom

June 2, 2021 at 7:00 PM

Members present: Winifred I. Li, Alan D. Rose, Jr., Sujit Sitole

133 Boston Post Road: a request by BP Weston Quarry LLC requesting an amendment to a special permit

The Board held a public hearing on June 2, 2021, at 7:00 P.M., via Zoom video. The following members were present:

- Stephen J. Larocque, Acting Chair and Acting Secretary
- Sujit Sitole
- Natalie B. Sawyer

Documents in the record include:

- Letter from Boston Properties, Inc. to the ZBA dated 2/19/21
- The Corporate Center, WWTP and SAS Exhibit Plan, prepared by Beals and Thomas, Inc., submitted with hearing application from 2007
- Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs Department of Environmental Protection, Administrative Consent Order dated 4/13/20
- Letter from Tighe & Bond to Weston Conservation Commission dated 2/16/20
- Massachusetts Department of Environmental Protection WPA Form 1 - Request for Determination of Applicability dated 2/15/21
- Figure 1, Site Location WWTP Disposal Area prepared by Tighe & Bond dated 2/2021
- Figure 2, Priority Resources WWTP Disposal Area prepared by Tighe & Bond dated 2/2021

- Figure 3, Orthophotograph WWTP Disposal Area prepared by Tighe & Bond dated 2/2021
- Boston Properties Septic Disposal Field Evaluation, Standard Legend, Notes, and Abbreviations, prepared by Tighe & Bond, G-002, dated 1/2021
- Boston Properties Septic Disposal Field Evaluation, Existing Conditions and Demolition Plan, prepared by Tighe & Bond, C-101, dated 1/2021
- Boston Properties Septic Disposal Field Evaluation, Proposed Site Layout Plan, prepared by Tighe & Bond, C-102, dated 1/2021
- Boston Properties Septic Disposal Field Evaluation, Phase 1 Layout and Materials Plan, prepared by Tighe & Bond, C-103, dated 1/2021
- Boston Properties Septic Disposal Field Evaluation, Phase 2 Layout and Materials Plan, prepared by Tighe & Bond, C-104, dated 1/2021
- Boston Properties Septic Disposal Field Evaluation, Septic Calculations and Sections, prepared by Tighe & Bond, C-105, dated 1/2021
- Boston Properties Septic Disposal Field Evaluation, Septic Details 1, prepared by Tighe & Bond, C-201, dated 1/2021
- Memo from Weston Conservation Commission, M. Grzenda to Boston Properties dated 3/26/21
- ZBA decision dated 12/7/00 granting a special permit
- ZBA decision dated 7/9/08
- ZBA decision dated 2/26/10 granting a special permit for a solar array
- ZBA decision dated 3/2011 amending a special permit for lighting changes

The subject site, 133 Boston Post Road, (the “Premises”) is located in the Business B Zoning District, and comprises 73.977 acres. It was originally the site of the Mass Broken Stone quarry, which dated to 1916. The history at the site includes a settlement agreement in 1988 which imposed restrictions on the development of the site. A special permit issued by the Zoning Board of Appeals on December 7, 2000 permitted relocation of a drainage ditch and construction within Zone A of the Wetlands and the Flood Plain for utilities, parking lot and structures. On November 27, 2002, the ZBA granted an extension for the Site Plan Review. On November 22, 2004 the ZBA granted modifications to the Site Plan Review and special permit. On December 15, 2006, the ZBA granted an extension of the Site Plan Review and Special Permit. On July 9, 2008 the ZBA granted a special permit for modifications to the Site Plan and Special Permit. The ZBA issued a special permit for a solar array on February 26, 2010 and for lighting changes in March 2011.

Attorney Martin Healy, representing the Petitioner, appeared before the Board to explain that the original special permit for this site was issued in December 2000 which included a

wastewater system with a Soil Absorption System for an office park. The 2000 special permit was extended and/or amended on four different occasions in 2002, 2004, 2006, and 2008.

The Massachusetts Department of Environmental Protection's (MADEP) standards have since changed, requiring the Petitioner to move the existing Soil Absorption System (SAS) completely out of Zone A of the Wetlands area in order to better protect nearby waterways. The MA DEP issued the Administrative Consent Order in April 2020.

In March 2021, the Weston Conservation Commission issued a negative determination for the proposal to move the SAS. The Petitioner is proposing to move the SAS a modest amount, away from the nearest water body. The size of the system remains the same according to drawing C-102 submitted with the application.

Following due and open deliberation, the Board determined unanimously that the Petitioner's proposal to move the Soil Absorption System would not be substantially more detrimental to the neighborhood. The Board voted unanimously to approve the application for adjustments set forth in the permit drawings dated January, 2021 thereby amending to the Special Permit issued July 9, 2008.

19 Meadowbrook Road: a request by Todd Roitfarb requesting an extension to a special permit regarding an extension to the special permit issued in March 2018

The Board held a public hearing on June 2, 2021, at 7:15 P.M., via Zoom video. The following members were present:

- Stephen J. Larocque, Acting Chair
- Sujit Sitole, Acting Secretary
- Natalie B. Sawyer

Documents in the record include:

- ZBA Decision Document May 1985
- ZBA Decision Document July 2000
- ZBA Decision Document March 2018
- ZBA Decision Document July 2020
- email from Todd Roitfarb dated 4/21/2021 requesting extension

The subject site, 19 Meadowbrook Road, Weston, Massachusetts (the "Premises") is located in the Single-Family Residential District A, and comprises 65,340 square feet of area in a district

requiring a minimum of 60,000 square feet. The Premises has 211.50 feet of street frontage, and 219.01 feet of lot width at street setback, in a district requiring a minimum of 200 feet for lots created before 1997.

The previous Zoning Board of Appeals cases include:

- July 2020 extension granted to the March 2018 special permit
- March 2018 special permit granted to construct a carriage house on the westerly side of the lot
- June 16, 2000 variance granted for reconstructed dwelling, utilizing existing footprint, adding more vertical mass in setback area
- April 22, 1985 variance granted for an addition

The Premises is currently improved by a dwelling sited beyond the minimum 60 feet from the street, and 85 feet from the street centerline. The dwelling is sited beyond the minimum 45 foot side lot line setback from the west, but is sited 34.5 feet from the northeast, with a condenser unit sited 33.9 feet from the northeast side lot line. The dwelling is sited 25.5 feet from the easterly lot line, with a condenser unit sited 24.6 feet from the easterly side lot line. The dwelling is nonconforming due to the encroachment into the easterly and northeasterly side lot lines.

The Premises is irregularly shaped, with the northerly two thirds of the easterly side lot line tapering in from a traditional rectangle to a point. According to the 9/15/1961 building card, there was an existing nonconforming garage on the easterly side of the lot, which was subsequently attached to the dwelling, and extended toward the north. The extension was nonconforming, but not closer to sideline than existing garage. The current structure was established by a variance granted in 2000 (the "2000 Variance"). The 2000 Variance requires, and is subject to, *inter alia*, preservation of existing natural foliage next to the easterly lot line, as well as the addition, and maintenance, of sufficient evergreens to screen easterly portions of the house from the abutter.

A special permit was granted in March, 2018 (the "2018 Special Permit") to construct a carriage house on the westerly side of the lot. The proposed carriage house would be sited 61.5 feet from the street, and 86.5 feet from the street centerline, in conformance with the district minimums of 60 feet and 85 feet respectively. The 2018 Special Permit requires, and is subject to, *inter alia*, installation of landscaping in substantial accordance with "19 Meadowbrook Road, Proposed Screening Planting Plan", Sheet L3.01, project no. 17031, prepared by Gregory Lombardi Design, Inc.

Appearing before the Board was Todd Roitfarb, 19 Meadowbrook Road, Weston, Massachusetts, owner (the “Petitioner”). The Petitioner stated he is seeking an additional 6-month extension to the extension granted in July 2020 to the 2018 Special Permit. The Petitioner told the Board that he was unable to timely commence work on the project due to the COVID-19 pandemic.

The Petitioner reported that the issue with the abutting neighbor which was brought up in the ZBA 2020 extension has been resolved. The neighbor had objected to the Petitioner’s fence being located on his property and the lack of screening along the fence. The Petitioner reported that the fence has been moved onto his property, and plants have been installed on the outside of the fence for screening. The Board requested a copy of the landscape sketch that was required as part of the July 2020 ZBA decision. The Petitioner stated he was not aware he needed to submit a sketch, but would do so now.

The July 2020 ZBA decision extended the 2018 Special Permit through March 31, 2021. John Field, Weston’s Building Inspector, told the Board that it has been the Town’s policy that no special permits would expire during the MA State of Emergency. Permits would begin tolling once the State of Emergency is lifted.

The Board requested that the Petitioner submit the required landscape sketch and voted unanimously to continue the hearing to Monday, June 14, 2021 at 6:15 PM.

2 Fields Pond Road: a request by Jana Oosterhuis appealing a Planning Board decision.

The Board held a public hearing on June 2, 2021, at 7:30 P.M., via Zoom video. The following members were present:

- Stephen J. Larocque, Acting Chair
- Sujit Sitole, Acting Secretary
- Natalie B. Sawyer

Documents in the record include:

- Letter from F. Powell to D. Davenport dated 4/16/21 submitting a request for a hearing to appeal a Planning Board decision with exhibits.
- COA Scenic Road Site Plan Approval Amendment dated 3/30/21
- COA Scenic Road Site Plan Approval Amendment dated 2/24/21

- Building Permit Plan, 2 Fields Pond Road, prepared by Snelling & Hamel Associates, Inc., dated 10/30/20
- Revised Schematic Pool House Plan, 2 Fields Pond Road, dated 2/19/21
- Revised Schematic Pool House Elevation, 2 Fields Pond Road, dated 12/16/20
- Pool House Exterior Lighting Plan, 2 Fields Pond Road, dated 1/29/21

The Petitioner, Jana Oosterhuis, filed a ZBA hearing application to appeal a Planning Board decision. The Petitioner was seeking an annulment of a Planning Board decision dated 3/30/21 that denied approval of a COA Scenic Road Site Plan Approval Amendment relating to the pool house.

Frank Powell, attorney for the Petitioner, appeared before the Board stating that his client, Town Counsel, and the Planning Board are currently working towards a settlement agreement. Attorney Powell requested a continuation of this hearing to allow time for the parties to reach a settlement.

The Board voted unanimously to continue the hearing to July 13, 2021 at 7 pm with the Petitioner's agreement to extend any potential deadlines.