



Minutes for Meeting

Zoning Board of Appeals, Weston Town Hall

July 9, 2019, 7:00 PM

Members present: Carlson, Rose, Sitole

47 Ash Street: application by Jeff Capello requesting a special permit for construction of a new home

Pursuant to the foregoing notice, the Board held a public hearing on Tuesday, July 9, 2019 at 7:00 pm, at the Weston Town Hall. The following members were present:

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

Documents in the record include:

- “No. 47 Ash Street Petitioner’s Plan”, prepared by The Jillson Company, dated May 8, 2019
- Certificate of Action – Scenic Road Site Plan Approval 47 Ash Street, dated May 15, 2019
- Memo from Weston Conservation Commission dated March 28, 2019
- Letter from Weston Forest and Trail Association, Inc. dated March 25, 2019

Appearing before the board were Jeff Capello, the builder, Stephanie Kessler, 47 Ash Street homeowner, and Jason Lavoie from The Jillson Company.

Mr. Lavoie described the proposed home and the lot. The lot has a lot of wetland areas in it with many elevation changes. The new home will meet all setback and height requirements. The lot is a pre-existing non-conforming because of insufficient street frontage, 168.23 feet in a district requiring 250 feet, and lot width at setback, 191.46 feet in a district requiring 250 feet. No other non-conformities exist or are proposed.

The property abuts Weston conservation land and a Weston Forest & Trails easement, and the proposal includes fencing within the easement, vegetation buffers, and also includes a bog bridge over wet areas of the existing trail. Conservation and Planning Board approval has already been received for this proposal. The builder and homeowner have also met with Weston Forest and Trail to review the project, and the homeowner agreed to certain modifications request by Weston Forest and Trail.

DECISION:

Following due and open deliberation, the Board, by unanimous decision, issued a special permit without any conditions for a new home as approved by the Planning Board and shown on the site plan dated May 8, 2019, prepared by The Jillson Company, Inc.

This approval was granted based on the following findings: The lot is non-conforming because it does not have the required street frontage or the required minimum lot width at set-back for a property in Single Family Residential District A. Other than the pre-existing non-conformities, the new dwelling meets all the required setbacks, RGFA requirements, and height requirements. For these reasons, the board found that the proposal was not substantially more detrimental than the existing conditions.

Petition: Approved

168 Summer Street: an application by Susan Ridge and Paul Portrait requesting a variance for a fence greater than 6 feet.

Pursuant to the foregoing notice the Board held a public hearing on Tuesday, July 9, 2019, at 7:20 pm in the Weston Town Hall. The following members were present:

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

Documents in the record include:

- “As-Built Plan of Land”, prepared by Neponset Valley Survey Assoc., Inc, dated 1/99
- Photographs of proposed fence presented at hearing

The subject site, 168 Summer Street, Weston, Massachusetts (the “Premises”), is located in the Single Family Residential District A. The Premises is an existing non-conforming lot in acreage

(56,628 ft²), street frontage (212 ft), and the house is too close to the street (26 ft). The property also abuts Route 95. The owner, Susan Ridge, 168 Summer Street, appeared before the board to explain why she is seeking a variance to build a fence taller than six feet. The petitioner would like to build a fence to help buffer the noise from Route 95 along the rear of the property. The majority of the fence will be 6 feet above grade, but because the ground slopes downward along the rear of the property, a portion of the fence would have to be between 7 and 8 feet above grade to maintain the same fence height.

DECISION:

Following due and open deliberation, the Board, by unanimous decision, granted the requested variance for a fence greater than 6 feet and up to 8 feet in height as shown on the plans and photographs submitted for 168 Summer Street. The Board found that the conditions of the topography of the lot which drops down towards Route 95 uniquely affects this lot and the fence height will mitigate the significant noise from Route 95 without substantial detriment to the public good.

Petition: Approved

23 Bittersweet Lane: an application by Jack Cort requesting a special permit for a new pool cabana.

Pursuant to the foregoing notice, the Board held a public hearing on Tuesday, July 9, 2019, at 7:00 pm in the Weston Town Hall. The following members were present:

- Jane Fisher Carlson, Acting Chair and Acting Secretary
- Alan Rose, Jr.
- Sujit Sitole

Documents in the record include:

- Four hand-drawn sketches and a hand-drawn landscape plan included in the hearing application received May 7, 2019
- Site Plan, 23 Bittersweet Lane, prepared by Snelling & Hamel Associates, Inc., dated April 30, 2019 (the “Snelling & Hamel survey”)

The property in question, 23 Bittersweet Lane, Weston, Massachusetts (the “Premises”), is located in Single Family Residence District A, comprising approximately 60,032 square feet. A

variance was granted in 1974 for the construction of a pool cabana extending into the zoning setbacks.

Ron Cort, brother of applicant and homeowner Jack Cort (the "Petitioner"), appeared before the Board to ask for a special permit to build a replacement cabana and pool. The proposal includes a new, larger cabana and a new smaller pool. The existing cabana (16'x20') is 45.3 feet away from the street (60 feet required) and the existing pool is 55.6 feet away from the street (60 feet required). The proposal includes a new cabana (24'x24') that would be 50.3 feet away from the street. Although the cabana would still be a non-conforming structure, it is 5 feet further away from the street than the existing one. The proposed pool would be 68.6 feet away from the street and would now be located within the building envelope.

Three sketches that were included in the application and purport to represent the proposed cabana are hand-drawn and do not include a stamp, signature, or name of an architectural firm. A fourth sketch, purporting to depict the existing cabana, and a hand-drawn landscape plan, were also submitted with the application. Noting that petitioners for special permits and variances must provide documents outlined in the Board's "Schedule B—Required Information," the Board asked the Petitioner's representative for stamped architectural drawings and floor plans of the proposed project, drawn to scale, including elevations that show building heights from average natural grade. Under almost all circumstances, the Board would not even consider a project until these drawings were provided. In this case, however, the proposed changes from the existing structure are relatively "de minimis," and the new structure will not extend as far into the street and street centerline setbacks as the current structure. In addition, the Snelling & Hamel survey precisely depicts the size and location of both the new cabana and the new pool. The Board therefore agreed that it could rule on the petition without viewing the required drawings, provided, however, that these architectural drawings and elevations, *consistent with the sketches and the Snelling & Hamel survey*, must be provided to the Board before a Building Permit is issued.

DECISION:

Following due and open deliberation, the Board determined, unanimously, that the proposed pool and cabana, which will reduce the existing nonconformities on the Premises, will be appropriate for the neighborhood and will not be substantially more detrimental to the neighborhood than the current nonconforming pool and cabana. The Board voted unanimously to grant the requested Special Permit for the proposed project, as shown on the sketches submitted with the Petitioner's special permit application and discussed at the hearing, *provided*, however, that before a Building Permit is issued, the Petitioner must have filed with this Board signed architectural drawings to scale, including elevations that show building

heights from average natural grade, that are consistent with these sketches, as well as with the Snelling & Hamel survey, in terms of design and dimensions.

Petition: Approved with conditions