



Minutes for Meeting

Zoning Board of Appeals, Weston Town Hall

August 1, 2019, 7:00 PM

Members Present: Larocque Sawyer, Sitole

300 Meadowbrook Road: an application by Patrick Murphy requesting a special permit for an addition.

Pursuant to the foregoing notice, the Board held a public hearing on Thursday, August 1, 2019 at 7:00 pm, at the Weston Town Hall. The following members were present:

- Stephen Larocque, Acting Chair
- Natalie Sawyer, Acting Secretary
- Sujit Sitole

Documents in the record include:

- “Plan of Land at 56 Wellesley Street”, prepared by R. Wilson and Associates, Acton, MA, dated May 24, 2019.
- “Plan for the Board of Appeals Showing a Proposed Dwelling at 56 Wellesley Street”, prepared by R. Wilson and Associates, Acton, MA dated May 24, 2019.
- Existing Architectural Drawings, 300 Meadowbrook Rd, EX1, EC1, EC2, EC3, EC4, EC5, prepared by Adrienne A. Giske, Architect, Weston, MA dated March 1, 2019.
- Proposed Architectural Drawings, 300 Meadowbrook Rd, A2, A2a, A3, A4, A5, A6, prepared by Adrienne A. Giske, Architect, Weston, MA dated March 24, 2019.
- Letter from the Town of Weston Historical Commission dated May 27, 2019 approving design.
- Packet of neighbor emails in support of project, received by Town July 25, 2019.

The subject site, 300 Meadowbrook Road, (the “Premises”) is located in the Single Family Residential District B (SFRD B). The Premises comprises about 28,300 ft<sup>2</sup> in a district requiring a

minimum of 40,000 ft<sup>2</sup>. The lot has 126 ft of street frontage in a district requiring 200 ft. The home is located about 43 ft from Wellesley Street (50 ft required). The current RGFA is about 9.2%.

Appearing before the Board was Adrienne Giske, Weston, MA, architect for the project. The home is a historic home and the proposed addition has already received approval from the Historical Commission. Ms. Giske stated the owners of the home would like to add more space to the home to make it more livable. They are proposing 4 small additions, one to the porch, one to the master bedroom, and two pop outs on the first floor. The proposed addition is adding approximately 2,265 ft<sup>2</sup> to the existing home. Ms. Giske also stated that the attic will be converted to a playroom for approximately another 500 ft<sup>2</sup> of living space, although this design has not yet been finalized. No portion of the addition extends past the allowable building envelope.

The Board noted that the RGFA is not finalized and will exceed the suggested 10% max. The Board requested architect-certified RGFA calculations for the proposed addition, and comparison RGFA's for properties in the neighborhood.

Ms. Giske noted that the drawings that were received in the application were not the latest drawings, and one of them had a discrepancy on the dimension. Ms. Giske agreed to submit the most up to date site plan drawings for the Board to review.

Following due and open deliberation, the Board determined, unanimously to continue the hearing until September 5, 2019 at 6:45 pm. The Board requested certified RGFA existing and proposed calculations, as well as neighborhood comparables, updated site plan drawings with the correct address in the title block.

115 Ridgeway: an application by Seth Justman requesting a variance for a shed encroaching into the setbacks.

Pursuant to the foregoing notice the Board held a public hearing on Thursday, August 1 at 7:15 pm, at the Weston Town Hall. The following members were present:

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

Documents in the record include:

- “Plan of Land in Weston, MA, 115 Ridgeway Road Existing Conditions”, prepared by Everett M. Brooks Co., West Newton, MA, dated May 29, 2019

The property in question, 115 Ridgeway Road (the “Premises”) is located in the Single Family Residence District B.

Stephen Larocque opened the hearing. Appearing before the Board was Seth Justman (the “Petitioner) and Abigail Lytton-Jean, 115 Ridgeway Road. Ms. Lytton-Jean explained that the property used to have a dog living space with a concrete slab under it located within the setback. The dog house structure has been removed several years ago and all that remains now is a concrete slab with fencing around it. The Petitioner would like to use the existing concrete slab to build a shed to house chickens. The Petitioner state that there is no other space on the lot that would meet zoning setbacks without cutting down trees or that have a steep incline. In addition, it is beneficial for a chicken coop to have a concrete slab to prevent pests from getting in. The Petitioner stated that the two neighbors at 83 Ridgeway Road and 25 Ballard Road are in support of this project.

The Board noted that in order to grant a variance, the case must present a substantial hardship to the Petitioner due to the lot’s soil conditions, topography, and/or shape of property. The Board noted that this case does not meet the criteria for a substantial hardship which is required to grant a variance.

DECISION:

Following due and open deliberation, the Board voted unanimously to permit the Petitioner to withdraw the application, without prejudice.

Petition: Withdrawn without prejudice

12 Gowell Lane: an application by Simon Bellemare requesting a special permit for an addition.

Pursuant to the foregoing notice, the Board held a public hearing on Thursday, August 1, 2019 at 7:00 pm, at the Weston Town Hall. The following members were present:

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

Documents in the record include:

- “Site Plan 12 Gowell Lane, Weston, Massachusetts”, prepared by John Hamel, dated June 26, 2019
- Architectural drawings for Bellemare Residence, 12 Gowell Lane, A.T.1, A.E.1, A.1.1, A.1.2, A.2.1, A.2.2, prepared by Marshall McLean Architect, Concord, MA, dated June 26, 2019.
- RFGA Calculations, prepared by Marshall McLean Architect, Concord, MA, dated June 25, 2019.

The subject site, 12 Gowell Lane, (the “Premises”) is a non-conforming lot located in the Single Family Residential District B (SFRD B). The Premises comprises about 21,600 ft<sup>2</sup> in a district requiring a minimum of 40,000 ft<sup>2</sup>. The lot has 110 ft of street frontage in a district requiring 200 ft. The home is located about 24.5 ft from the street line (50 ft required), and 32 ft from the south side property line (35 ft required). The current RGFA is about 8%.

Appearing before the Board was Simon and Emily Bellemare, owners of the Premises, and Marshall McLean, architect for the project. Mr. McLean explained that this project has already been approved by the Historical Commission. They are seeking a special permit because the lot is non-conforming for both area and street frontage. With the proposed addition, the home will be above the maximum RGFA of 10%. The Petitioners noted that the new proposed home will be no larger than the average size home in the neighborhood.

The proposal provides the home with a dining room, living room, master suite with bathroom, and a garage. They did not include the garage in the calculated RGFA. It was questioned by the Board whether they needed to include the garage area in this calculation since the garage is below grade. It was determined that the area of the garage does need to be included in the RFGA calculation. The Petitioners were asked to re-calculate.

The Board asked the Petitioner to provide letters of support from abutters and neighbors as well as photographs of the existing screening towards 16 Gowell Lane, as they are the abutters that are most impacted.

The Board continued the hearing until September 5, 2019 at 6:15 PM.

60 Old Road: an application by Alain and Magali Weber requesting a special permit to amend a decision.

Pursuant to the foregoing notice the Board held a public hearing on Thursday, August 1 at 7:45 pm, at the Weston Town Hall. The following members were present:

- Stephen Larocque, Acting Chair
- Natalie Sawyer, Acting Secretary
- Sujit Sitole

Documents in the record include:

- Board of Appeals decision upholding the cease and desist orders, dated May 23, 2000
- Letter from Town of Weston Planning Board to First Hilltop Realty Trust, dated September 15, 2011
- Commonwealth of Massachusetts The Trial Court Land Court Department, Robert Goren, First Hilltop Realty Trust vs. Town of Weston, dated August 18, 2006

The property in question, 60 Old Road (the “Premises”) is located in the Single Family Residence District A. It is a non-conforming lot due to inadequate street frontage. There are no dwellings on the lot.

Stephen Larocque opened the hearing. Appearing before the Board were Alain and Magali Weber, 16 Woodland Road, Weston (the “Petitioners”) and their attorney, Jonathan White, Orleans, MA. Mr. White explained that his clients are looking to purchase the Premises in question. Although the submitted application sought a special permit, Mr. White clarified that his clients were seeking “input” from the Board to see if the Board is receptive to amending a previous ZBA decision regarding the Premises. Mr. White reported that the ZBA decision at issue is currently the subject of a pending appeal before the Land Court. Mr. White’s clients were hoping to gain information from the Zoning Board prior to going through the Planning Board process, as it costs a lot of money to go forward with the Planning Board.

The Board noted that it cannot make advisory statements and, since the Land Court appeal remains pending, questioned whether it has jurisdiction over this matter. In addition, the Board noted that it has insufficient information and no decision by the Zoning Board can be made until after the Planning Board meeting.

The Petitioners asked the Board to permit them to voluntarily withdraw the application.

DECISION:

Following due and open deliberation, the Board voted unanimously to permit the Petitioner to withdraw the application.

Petition: Withdrawn without prejudice