



Minutes for Meeting

Zoning Board of Appeals, Weston Town Hall

October 2, 2019 at 7:30 PM

Members present: Jane Fisher Carlson, Stephen Larocque, Sujit Sitole

106 Love Lane: an application by Tom Timko requesting a special permit for a garage addition.

Pursuant to the foregoing notice, the Board held a public hearing on Wednesday, October 2, 2019 at 7:30 pm, at the Weston Town Hall. The following members were present:

- Jane Fisher Carlson, Acting Chair
- Stephen Larocque
- Sujit Sitole, Acting Secretary

Documents in the record include:

- ZBA decision granting variance to build garaged dated 8/24/94
- RGFA calculations and comparisons submitted with hearing application on 8/7/19
- "Plot Plan for 106 Love Lane", prepared by C&G Survey Company, Scituate, MA, dated 8/2/19
- Architectural drawings for Smith Residence, 106 Love Lane, prepared by Copper Beech Design, Weston, MA, sheets 1-14, submitted with hearing application
- Letter from Weston Historical Commission, approving the changes to 106 Love Lane, dated 8/8/19

The subject site, 106 Love Lane, (the "Premises") is located in the Single-Family Residential District A (SFRD A). The lot is an existing non-conforming lot. The home is located about 41.5 ft from the street (60 ft required) and the current side setback is about 43.9 ft (45 feet required) The current RGFA is about 9.2%.

Appearing before the Board was Tom Timko, architect for the project, and Jennifer Smith, owner of the Premises. The home is a historic home and the proposed addition has already received approval from the Historical Commission.

The home's original garage was demolished in 1994 and the owners received a variance for a two-bay garage. The current owners are requesting a special permit to add a third bay to the garage and to add an enclosed breezeway from the garage to the house.

The proposed addition is 4.5 feet beyond the side setback requirement of 45 feet, and 2.4 feet beyond the existing condition. Mr. Timko stated that they have already shortened the length of the garage to 22 feet and are not able to angle it to get the entire third bay out of the setback. The proposed RGFA will be at 10.2%.

The abutter that is most affected is 98 Love Lane and Mr. Timko reported that they are aware of these plans and do not have any concerns.

Following due and open deliberation, the Board determined, unanimously, to issue the special permit to amend the existing variance for the garage addition as shown in the drawings submitted in the hearing application.

The lot is non-conforming because it is not set back far enough from the street line or from the South side property line. A variance was granted in 1994 to build the non-conforming garage. Although the proposed garage addition also extends into the setback, the Board determined that it is an intensification of an existing non conformity and does not materially impact the neighborhood. The proposed RGFA ratio is comparable to other homes in the neighborhood after the addition, which is not substantially more detrimental to the neighborhood than the existing conditions.

43 Coburn Road: an application by Walter Ehrlich requesting a variance for the installation of air conditioning units within the setback.

Pursuant to the foregoing notice, the Board held a public hearing on Wednesday, October 2, 2019 at 7:45 pm, at the Weston Town Hall. The following members were present:

- Jane Fisher Carlson, Acting Chair
- Stephen Larocque, Acting Secretary
- Sujit Sitole

Documents in the record include:

- “No. 43 Coburn Road Petitioner’s Plan”, prepared by The Jillson Company, Inc, dated August 16, 2019
- Variance, granted August 1954, to build a home within 25 feet of the property lines
- Special Permit, granted January 2, 2018, for substantial demolition of the existing dwelling and reconstructing the home.

The subject site, 43 Coburn Road, Weston, Massachusetts (the “Premises”) is located in the Single Family Residential District B, and comprises 52,272 square feet of lot area in a district requiring a minimum of 40,000 square feet. The Premises has 182 feet of street frontage, and 180.85 feet of lot width at street setback, in a district requiring a minimum of 150 feet for lots created before 1997.

The Premises is improved by a dwelling originally constructed in 1950. The dwelling is sited 38.3 feet from the street, and 63.3 feet from the street centerline, in a district requiring 50 feet and 75 feet respectively. The dwelling is sited 52 feet from the north, 21.9 feet from the south, and approximately 170 feet from the east, in a district requiring a 35-foot side yard setback. The Premises is also improved with a shed, sited 2.6 feet from the northerly lot side line.

The Zoning Board of Appeals granted a variance on August 9, 1954 to allow the dwelling to be 25 feet from the southerly lot line. The Premises is nonconforming due to encroachments into the westerly street and street centerline, and southerly lot side line setbacks. Prior to the midpoint in depth of the lot, moving from west to east, the topography slopes sharply down. The topography also slopes downward at the northern side of the Premises. The lot to the north is undeveloped. The Zoning Board of Appeals granted a special permit on January 2, 2018 for the demolition of the existing dwelling and for additions to the home.

This petition before the Zoning Board of Appeals seeks a variance for the installation of air conditioning units within the setback. Appearing before the Board was Mr. and Mrs. Walter Ehrlich, (the “Petitioner”), and Jason Lavoie, The Jillson Company. Mr. Lavoie stated that the air conditioning units have already been installed within the setback and that the contractor installed them in the incorrect location, on the south side of the home. They most likely put them on the south side of the house because the wiring is on that side of the house.

The Board noted that Town of Weston has specific rules for installation of ACs on non-conforming lots. The Board requested more information on the AC units: cut sheets and dB levels, and specifics about sound baffling. The Board also stated that baffling and vegetative screening along the property line would be required. The Board requested that the Petitioner contact the abutter that is most affected, 37 Coburn Road.

The Board voted to continue the hearing 6:30 PM on October 22<sup>nd</sup>.

100 Brown Street: an application by Hazel Hotchkiss Wightman Tennis Center, Inc. requesting a special permit for additional memberships.

Pursuant to the foregoing notice, the Board held a public hearing on Wednesday, October 2, 2019 at 8:00 pm, at the Weston Town Hall. The following members were present:

- Jane Fisher Carlson, Acting Chair and Acting Secretary
- Stephen Larocque
- Sujit Sitole

Documents in the record include:

- Board of Appeals decision granting special permit dated 2/29/68
- Board of Appeals decision granting variance dated May, 1968.
- Board of Appeals decision extending special permit and variance dated 7/24/76.
- Board of Appeals decision denying amendment to the special permit dated 8/14/91.
- Board of Appeals decision granting special permit and variance dated 7/27/95.
- Board of Appeals decision granting a variance dated 3/3/11.
- Board of Appeals decision granting amendments to the special permit dated 4/17/13.

Appearing before the Board to represent the Hazel Hotchkiss Wightman Tennis Center (the "Petitioner") at the hearing were Paul Roberts, Vice President of Legal; George Berbeco, President; and Cory Grimes, General Manager. Mr. Roberts explained that the Petitioner is seeking to add up to 50 summer-only family memberships in addition to the current maximum of 300 annual family memberships allowed under the Petitioner's special permit. He noted that the Center is underutilized during the summer months, as many members have vacation homes and many of their children are away at summer camp. The Petitioner is having difficulty retaining tennis professionals and keeping the café running during the summer months because attendance is so low. The Petitioner believes that adding summer-only memberships could alleviate these problems. Charges for summer memberships could also secure funds necessary to help modernize the Center's aging facilities.

Mr. Roberts and Mr. Berbeco provided figures demonstrating that currently, member visits on summer days were a fraction of such visits during the rest of the year. They said that the Petitioner's plans would be to start summer memberships by offering them to families that are currently on their waiting list and to begin a trial of summer memberships with far fewer than 50 families. They reported that there is plenty of parking at the Center to accommodate summer members, and said that they did not believe that traffic would be impacted by the summer-only memberships. A Board member noted that the additional summer-only

memberships could not be used to increase the 300 annual family memberships currently allowed under the Petitioner's special permit.

No one further appeared on the petition. The hearing closed, and the Board proceeded to deliberate.

Following due and open deliberation, the Board, by unanimous decision, granted a special permit to allow the Petitioner to add up to 50 summer family memberships, defined as lasting from Memorial Day to Labor Day, each summer. The Board agreed that these additional summer-only memberships would not impact neighborhood traffic or create parking issues.

In granting the special permit, the Board determined that this proposed change would not be substantially more detrimental to the neighborhood than the existing use of the Hazel Hotchkiss Wightman Tennis Center.