



Minutes for Meeting

Zoning Board of Appeals, Weston Town Hall

January 28, 2021 at 7:00 PM

Members present: Jane Fisher Carlson, Alan D. Rose, Jr., Natalie B. Sawyer

40 Cart Path Road: a request by Kyle Sheffield on behalf of Steven and Deborah Marcus requesting a special permit for a replacement dwelling.

Pursuant to the foregoing notice the Board held a public hearing on January 28, 2021, at 7:00 P.M., via Zoom video. The following members were present:

- Jane Fisher Carlson, Chair
- Alan D. Rose, Jr., Acting Secretary
- Natalie B. Sawyer

Documents in the record include:

- “Existing Conditions Site Plan, 40 Cart Path Road”, prepared by Metrowest Engineering, Inc., Framingham, MA, dated December 7, 2020.
- “Proposed Layout Plan, 40 Cart Path Road”, prepared by Metrowest Engineering, Inc., Framingham, MA, dated December 7, 2020.
- “Proposed Site Plan, 40 Cart Path Road”, prepared by Metrowest Engineering, Inc., Framingham, MA, dated December 7, 2020.
- Architectural Drawing Package including drawings A100, A101, A102, A200, A201, A300, prepared by LDa Architecture & Interiors, LLP, Cambridge, MA, dated December 17, 2020.
- Abutter RGFA Comparison Chart, dated December 17, 2020
- 40 Cart Path Subdivision Plan, dated October 5, 1961

Kyle Sheffield, architect for the project, Robert Gemma, engineer for the project, and owner Steven Marcus appeared before the Board. Petitioner is seeking a special permit for building a new dwelling on the premises. Petitioner bought the home in 2020 with the intent to build a new dwelling designed for single-floor living. When the Petitioner bought the property, they believed that the lot was conforming. However, when Mr. Gemma performed a site survey, he discovered the street frontage to be 199.6 ft, which is just short of the required 200 ft frontage for a lot in Zoning District A.

Mr. Sheffield notified the Board that the Conservation Commission issued an Order of Conditions to perform work in wetland buffer zones at their meeting on January 19, 2021. He also stated that they have received a storm water permit for the project.

Mr. and Mrs. Kaplan, 32 Cart Path Road, asked if there would be blasting during the construction of the new home. Mr. Gemma stated that he did not think that would be necessary, as soil tests that have been completed have not shown any ledge underground.

Following due and open deliberation, the Board unanimously agreed that the proposed dwelling would not be substantially more detrimental to the neighborhood than the existing dwelling. The special permit was granted for construction of the house substantially as shown on the plans submitted by LDa architecture and MetroWest engineering.

63 Sudbury Road: a request by David Morgan on behalf of Cynthia and William Abbott requesting a special permit for the installation of a generator.

Pursuant to the foregoing notice the Board held a public hearing on January 28, 2021, at 7:15 P.M., via Zoom video. The following members were present:

- Jane Fisher Carlson, Chair
- Alan D. Rose, Jr.
- Natalie B. Sawyer, Acting Secretary

Documents in the record include:

- Topographical Plan of Land, 63 Sudbury Road, prepared by E.J. Flynn Engineers
- Kohler ADV-8424 Generator Cut Sheets
- ZBA decision granting a variance for an addition, October 1979
- ZBA decision granting a variance for an addition, January 1986

David Morgan, petitioner for the special permit on behalf of owner Cynthia and William Abbott, addressed the Board. He explained that the 18th century home is pre-existing, non-conforming and is located very close to Sudbury Road. He stated that the proposed location for the generator as shown on the Topographical Plan submitted is the only logical spot on the lot, due to the nature of the lot. There are wetlands at the west side of the lot, and the proposed location is closest to the electrical connections at the house. Mr. Morgan explained that the Abbotts need a backup generator for continuous power for health reasons, and that they lose power often.

Mr. Morgan stated that he received approval from the Conservation Commission regarding this proposed location of the generator. The Board has no record of this on file. Mr. Morgan agreed to get written confirmation from the Conservation Commission and forward to the Board.

The Board also requested information on the generator's rated decibel level and a proposed sound baffling plan for the generator.

A neighbor of the petitioner, Susan Zachairas of 77 Sudbury Road, appeared and represented that sound attenuating barriers are available for generator installations such as this one.

The Board voted to continue the hearing in order to give the applicant time to gather the necessary information. The hearing was continued until February 3, 2021 at 7 PM via Zoom.

490 Concord Road: a request by Nuong Bui and Hong Linh Ho Duc requesting a special permit for an extension to a portico and a pergola.

Pursuant to the foregoing notice the Board held a public hearing on January 28, 2021, at 7:30 P.M., via Zoom video. The following members were present:

- Jane Fisher Carlson, Chair and Acting Secretary
- Alan D. Rose, Jr.
- Natalie B. Sawyer

Documents in the record include:

- Existing First Floor, 490 Concord Road, A101, dated 8/19/20
- Existing Second Floor, 490 Concord Road, A102, dated 8/19/20
- Existing Basement, 490 Concord Road, A103, dated 8/19/20

- Front View, 490 Concord Road, A104, dated 8/19/20
- Roof Plan, 490 Concord Road, A108, dated 8/19/20
- Proposed Exterior, 490 Concord Road, S-1, dated 9/1/20
- Proposed First Floor, 490 Concord Road, A101, dated 8/19/20
- Proposed Second Floor, 490 Concord Road, A102, dated 8/19/20
- Proposed Exterior Elevations, 490 Concord Road, S-3, dated 9/1/20
- Variance Plan, 490 Concord Road, prepared by John Snelling Associates, dated 7/30/91
- Zoning Board of Appeals decision granting petition for breezeway, 490 Concord Road, Received 1/7/99

The site in question, 490 Concord Road, Weston, Massachusetts (the “Premises”), is located in Zoning Residence District A. The lot is nonconforming due to its size and street frontage. The home is a preexisting nonconforming dwelling due to its extension into the street line and side lot setbacks. The owners of the Premises, Nuong Bui and Hong Linh Ho Duc (the “Petitioners”) addressed the Board explaining that they would like to extend the portico at the front of their house and add a pergola across the front of the house on either side of the portico.

The Board noted that none of the drawings presented by the Petitioners had been signed or stamped by an architect or civil engineer and that the Plot Plan, prepared in 1991, showed only a hand-drawn representation of the addition, rather than one drafted by a professional land surveyor. The Board asked the Petitioners to provide a stamped and signed elevation of the front of the dwelling showing the portico and pergola, as well as an updated certified Plot Plan showing the proposed addition and its distance from the lot lines of the Premises.

The hearing was continued until March 8, 2021 at 7:00 PM via Zoom.