



Minutes for Meeting

Zoning Board of Appeals, via Zoom

February 7, 2023 at 7:00 PM

Members present: Jane Fisher Carlson, Wendy Kaplan Armour, Laura Mintz

506 North Avenue: a hearing on a request by Henry P. Arnaudo on behalf of C&L Home, LLC, requesting a variance for relief of the building height.

The following members were present:

- Jane Fisher Carlson, Chair and Acting Secretary
- Wendy Kaplan Armour
- Laura Mintz

Joseph Duquette, attorney for the Petitioner, appeared before the Board. He told the Board that the Petitioner's case was on the agenda for the Planning Board's meeting on 3/1/23. He asked the Board if it would continue this case for some time after that date.

The Board voted unanimously to continue the hearing until March 14, 2023 at 7 pm via Zoom.

16 Woodchester Drive: a hearing on a request by Jonathan Kantar on behalf of Rebecca Kantar, requesting an amendment to a special permit for condensers in the setbacks.

The following members were present:

- Jane Fisher Carlson, Chair
- Wendy Kaplan Armour, Acting Secretary
- Laura Mintz

Documents in the record include:

- 16 Woodchester Drive, Condenser Information, A6.0, prepared by Moskow Linn Architects, Inc., 7/13/22
- 16 Woodchester Drive, Existing Site Plan, A0.1, prepared by Moskow Linn Architects, Inc., 4/12/22
- 16 Woodchester Drive, Existing Site Plan, A0.2, prepared by Moskow Linn Architects, Inc., 4/12/22
- Mitsubishi Electric Condenser Specification Sheet, models SVZ-KP12NA & SUZ-KA12NAHZ
- Mitsubishi Electric Condenser Specification Sheet, models PEAD-A09AA7 & SUZ-KA09NAHZ
- ZBA decision dated 2/7/22
- ZBA decision dated 4/15/22

The property in question, 16 Woodchester Drive, Weston, Massachusetts (the “Premises”) is located in Single Family Residence District B. The lot area is approximately 42,743 square feet in a District requiring a minimum of 40,000 square feet. The lot has 130 feet of street frontage in a district that requires 150 feet for lots created before 1997. The lot is nonconforming due to the lack of street frontage. The existing dwelling, which was built in 1955, is also nonconforming due to its location 33.1 feet from the east side lot line and 28.6 feet from the west side lot line in a District requiring a 35-foot side lot setback. In addition, the front of the dwelling is 47.2 feet from the street side line in a District that requires a 50-foot setback from the street sideline. The Petitioner received a special permit from the ZBA in February, 2022, to add a second story to the existing ranch house and to build an addition to the rear of the dwelling.

Appearing before the Board were Jonathan Kantar, (the “Ppetitioner”), and the owner of the property, Rebecca Kantar. The Petitioner is the contractor for the project, and told the Board he is seeking an amendment to the February 2022 special permit to add three heat pump condensers to the west side of the home and three heat pump condensers to the east side of the home. Each condenser is approximately 3’ long x 3’ high x 1’ deep. Each condenser will be mounted in a metal bracket about one foot off the ground.

The Board questioned why six condensers are needed for the heating and cooling of the home. The Petitioner explained that the home is being designed to be as energy efficient as possible and having six small heat pump condensers instead of one large one allows for better energy efficiency, as each small zone in the house can be controlled separately and only used when needed. The Petitioner noted that there are no other locations for the condensers that would be outside the setbacks, as the front of the home is in the setbacks and both sides of the home are in the setbacks. If the condensers were placed in the rear of the home, they would be

blocking access to the basement stairs. The Petitioner noted that two of the three proposed condensers on the east side of the home would not infringe on the side lot setback.

The Board noted that the decibel rating for each of the heat pump condensers is rated at 55 dB. The Board questioned what the sound rating would be if all six condensers were running at the same time. The Board first thought sound was an exponential scale, but the Petitioner informed the Board that in fact it is a logarithmic scale, which would result in only a small dB increase even if all condensers were running at the same time. The Board noted that the closest neighboring home to the proposed condensers is at 22 Woodchester Drive, which is approximately 75 feet away.

Neighbors, Mr. & Mrs. Cafasso, 15 Woodchester Drive, appeared before the Board and are in support of the Petitioner's proposal.

The Board discussed the issues of sound baffling and vegetative screening for the heat pump condensers. The Petitioner stated he was willing to install sound baffling around the heat pump condensers and will also plant a vegetative buffer around the heat pump condensers. The Board noted that such vegetative buffer should include low shrubs of approximately 2-3 feet in height. The Petitioner stated that the future plans also include planting trees along the lot lines for additional buffering. The Board referenced the Town's document *"Installation of Air Conditioning Condensers and Generators for Nonconforming Lots or Nonconforming Locations"*, which gives guidelines on sound baffling for condensers in the setbacks.

Following due and open deliberation, the Board unanimously agreed to amend the 2/7/22 special permit to allow six heat pump condensers to be located adjacent to the home within the setbacks, as noted on the Petitioner's submitted Plan A6.0, with conditions. The Board determined the heat pump condensers would not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling on the existing nonconforming lot, as shown on the plans and drawings submitted for this hearing. The Board placed the following two conditions on the amended special permit:

1. Sound baffling shall be installed around the six heat pump condensers per the Town document *"Installation of Air Conditioning Condensers and Generators for Nonconforming Lots or Nonconforming Locations."* Specifically, the sound baffling will involve a barrier of solid material, no lighter than $\frac{3}{4}$ inch plywood, which is faced with a minimum 1-inch thickness of sound absorptive material. The sound baffling barrier will be no further than 18 inches from each unit and will extend 12 inches above each unit.
2. Vegetative buffering shall be planted around the six heat pump condensers.