



Minutes for Meeting

Zoning Board of Appeals, Weston Town Hall

February 11, 2021 at 7:00 PM

Members present: Winifred I. Li, Jane Fisher Carlson, Sujit Sitole

49 Woodchester Drive: on a request by Carter Wood on behalf of owner Rose Hall regarding an appeal to a Building Inspector's decision.

The Board held a public hearing on February 11, 2021, at 7:00 pm, via Zoom video. The following members were present:

- Jane Fisher Carlson, Chair
- Winifred I. Li, Acting Secretary
- Sujit Sitole

Documents in the record include:

- Email from R. Como to C. Ward dated 12/8/20 regarding lot compliance, Zoning By-Law Enforcement Order
- Email from J. Field to C. Ward dated 12/14/20 regarding lot compliance, Zoning By-Law Enforcement Order
- An unsigned, undated plan of a portion of the subject lot

Mr. Carter Ward addressed the Board stating that there is a children's playhouse on the property that is approximately 13 feet by 13 feet and about 7 feet tall. The playhouse was built in 2016, without any Town permits. The playhouse sits on cinder blocks with crushed stone underneath. Mr. Carter stated that the playhouse was the subject of Weston's Building Inspector's enforcement order for two reasons: (1) it is within 25 feet of wetlands, and (2) it is

within 35 feet of the property line.

The subject lot is located in Single Family Residence Zone B, where structures are required to be a minimum of 35 feet from the side lot line.

The Board noted that Mr. Ward did not submit any photographs of the playhouse or any drawings showing its exact location on the lot. The Board noted there was space within the building envelope where the playhouse could be re-located.

Mr. John Field, Town of Weston Building Inspector, stated that the State Building Code does not regulate “play areas” but does regulate sheds, and that it is up to the Board to determine if this playhouse constitutes a play area or a shed. He noted the playhouse could easily be converted to a shed, in which case it would become subject to the State Building Code. Mr. Field located a photograph of the playhouse, which he showed to the Board. In addition, Mr. Field informed the Board that the Conservation Commission will be finalizing their order soon regarding the playhouse’s encroachment into the wetlands.

Following due and open deliberation, the Board unanimously voted: (1) the playhouse is a “structure” as that word is defined under Weston’s Zoning Bylaw; and (2) because the playhouse is a structure in the lot’s setback area, the petitioner’s request that the Building Inspector’s enforcement order be overturned is denied.

240 Ridgeway Road: a request by Sirisha and Justin Marcoux requesting a special permit for a new home.

Pursuant to the foregoing notice the Board held a public hearing on February 11, 2021, at 7:15 P.M., via Zoom video. The following members were present:

- Jane Fisher Carlson, Chair and Acting Secretary
- Winifred I. Li
- Sujit Sitole

Documents in the record include:

- Memo from Eric B. Goldberg, Esq., Wilchins, Cosentino & Novins LLP, 20 William Street, Wellesley, MA 02481, titled “Explanation of Request for Special Permit” dated January 13, 2021

- 240 Ridgeway Existing Conditions Plan, C1.0, prepared by WSP, 100 Summer Street, Boston, MA 02110, dated October 13, 2020
- 240 Ridgeway Site Development Plan, C2.0, prepared by WSP, dated October 13, 2020, Revised 12/11/20
- 240 Ridgeway Detail Sheet 1 of 2, C3.1, prepared by WSP, dated October 13, 2020, revised 12/11/20
- 240 Ridgeway Detail Sheet 2 of 2, C3.2, prepared by WSP, dated October 13, 2020, Revised 11/25/20
- 240 Ridgeway Cross Section A, C4.1, prepared by WSP, dated October 13, 2020, revised 12/11/20
- 240 Ridgeway Cross Section AA, C4.2, prepared by WSP, dated October 13, 2020, revised 12/11/20
- 240 Ridgeway Neighborhood Locus Plan, C0.1, prepared by WSP, dated November 4, 2020, revised 1/12/21
- 240 Ridgeway Architectural Drawings, Nos. A0.1, A0.2, A1.0, A1.1, A1.2, A1.3, A2.1, prepared by Legault Design, 242 Monsen Road, Concord, MA 01742, Final revisions dated December 11, 2020
- Building Permit Plan, 240 Ridgeway Road, prepared by Snelling & Hamel Associates, 10 Lewis Street, Lincoln, MA 01773, dated January 6, 2021
- Letter from John R. Hamel, Professional Land Surveyor, to Town of Weston, MA, certifying lot square footage, dated January 6, 2021
- Average Natural Grade and Building Height Calculation, prepared by Snelling & Hamel Associates, dated January 6, 2021
- Certificate of Action, Town of Weston Planning Board, Scenic Road Site Plan Approval, dated December 16, 2020
- Letter from Kenneth and Marian Barron, 36 Dean Road, to Imaikalani Aiu in support of project, dated September 17, 2020
- Letter from Beth and Paul Jakubowski, 243 Ridgeway Road, to Planning Board in support of project, dated September 22, 2020
- Letter from George Nicholas Clark, 244 Ridgeway Road, to Planning Board in support of project, dated September 29, 2020
- Email from Todd Lenox, 234 Ridgeway, to Imaikalani Aiu in support of project, November 14, 2020
- Letter from Town of Weston Historical Commission to John Field, Land Use Coordinator, imposing 12-month demolition delay, dated October 15, 2019

Appearing before the Board were Mr. Eric Goldberg of Wilchins, Cosentino & Novins, LLP, attorney for Sirisha and Justin Marcoux (the “Petitioners”) and Mr. Jason Lavoie, engineer for

the project. Ms. Sirisha Marcoux was also in attendance at the hearing, but did not address the Board.

The lot in question, 240 Ridgeway Road, Weston, Massachusetts (the “Premises”), is a pre-existing non-conforming lot due to its size. The lot is 19,484 square feet in area and is located in Residence District D, which, under the Town of Weston Zoning By-law, requires a minimum of 20,000 square feet.

The property is listed as significant by the Historical Commission. The Petitioners appeared before the Commission in October 2019, where, because of the dwelling’s historic value as an “important contributor to the Chiltern Hundreds Area,” the Commission issued a 12-month demolition delay. That delay has since expired.

The Petitioners received a Certificate of Action - Scenic Road Site Plan Approval with conditions from the Town of Weston Planning Board on December 16, 2020. The proposed plan includes removing the existing shed and garage, both of which are located in the setbacks. The new proposed home conforms with all the zoning setback requirements of Residence District D. In addition, in response to Planning Board concerns during the Site Plan Approval process, the Petitioners agreed to relocate the new dwelling 15 feet further back from the street than was originally proposed in order to be consistent with the locations of abutting homes.

Mr. Jason Lavoie, the engineer for the project, presented the site plan drawings for the proposed project. The existing home has a Residential Gross Floor Area (RGFA) of 2,017 square feet, and the proposed home has an RGFA of 3,499 square feet. This results in an increase in the RGFA/lot area ratio from 10.3% (existing) to 18% (proposed). The applicants presented information about homes in the neighborhood that have RGFA/lot area ratios that are similarly large. In general, the Board encourages petitioners to present plans where the RGFA/lot area ratio does not exceed 10%. However, the Board noted that due to the small size of many lots in the neighborhood and the numbers of neighboring properties where the ratios were similar to those of the proposed project, the RGFA of the Petitioners’ proposed dwelling would not be out of the ordinary.

The Board noted that the Petitioners’ proposal removes the existing non-conforming shed and garage from the Premises and replaces the home with a new dwelling that meets all setback and dimensional requirements of the Town of Weston Zoning By-law. The Board determined that although the proposed home results in an RGFA/lot area ratio of approximately 18%, many other properties in the neighborhood have ratios in this same range. Following due and open deliberation, the Board unanimously agreed that the proposed new home would not be

substantially more detrimental to the neighborhood than the existing dwelling. The special permit was granted.

130 Wellesley Street: a request by Benjamin Tobey requesting a special permit for a new home.

Pursuant to the foregoing notice the Board held a public hearing on February 11, 2021, at 7:30 P.M., via Zoom video. The following members were present:

- Jane Fisher Carlson, Chair
- Winifred I. Li
- Sujit Sitole, Acting Secretary

Documents in the record include:

- 130 Wellesley Street Grading Plan, C1.0, prepared by WSP, dated January 13, 2021
- 130 Wellesley Street Locus Plan, C1.1, prepared by WSP, dated January 13, 2021
- 130 Wellesley Street Proposed Plot Plan, prepared by Precision Land Surveying, dated January 12, 2021
- Architectural Drawings, 130 Wellesley Street, T1.1, A1.0, A1.1, A1.2, A2.1, A2.2, prepared by Erik Grunigen Architects, dated January 12, 2021
- Letter from Amy Anderson and Thomas Friedmann, 128 Wellesley Street, to Weston Zoning Board of Appeals in support of the project, dated January 21, 2021

The property at 130 Wellesley Street is 77,233 sf a pre-existing non-conforming lot with an existing home that is partially located within the setbacks. The lot is in Residential District A. The lot is non-conforming because it has no frontage. Access is via an easement that goes through the property at 128 Wellesley Street.

Mr. Jason Lavoie, engineer for the project and Mr. Erik Grunigen, architect for the project addressed the Board regarding the applicant's proposed project. The applicant is proposing to demolish the existing home and replace it with a new home that complies with the zoning setbacks in Residential Zoning District A. A portion of the existing home encroaches in the setbacks on the north side of the lot; however the new home will be fully conforming to the setbacks.

The RGFA of the new home is 5,885 sf (versus the existing 2,652 sf structure), and the proposed the RGFA/lot area ratio is approximately 7.6%. Mr. Grunigen informed the Board that the

height of the new proposed home is 4 feet below the allowable height, and Mr. Lavoie noted the elevation of the site is such that the home will not be very visible from Wellesley Street.

The Board noted that the applicant's proposal is a new home that conforms with all the zoning setbacks and dimensional requirements. The lot is non-conforming only due to lack of street frontage. Following due and open deliberation, the Board unanimously agreed that the proposed new home would not be substantially more detrimental to the neighborhood than the existing dwelling. The special permit was granted.