



Minutes for Meeting

Zoning Board of Appeals, Weston Town Hall

March 3, 2021 at 7:00 PM

Members present: Winifred I. Li, Alan D. Rose, Jr., Sujit Sitole

**667 Wellesley Street:** a request by Anna Burshteyn requesting a special permit for a new home.

Pursuant to the foregoing notice the Board held a public hearing on March 3, 2021, at 7:00 P.M., via Zoom video. The following members were present:

- Winifred I. Li, Acting Chair
- Alan D. Rose, Jr.
- Sujit Sitole, Acting Secretary

Documents in the record include:

- 667 Wellesley Street Executive Summary
- Order of Conditions, 667 Wellesley Street, MA DEP file #337-1397
- Planning Board Certificate of Action - Scenic Road Site Plan Approval, 667 Wellesley Road, November 18, 2020
- Site Plan, 667 Wellesley Road, prepared by VTP Associates, Inc., January 26, 2021
- Proposed Residence drawing, prepared by Lincoln Architects, LLC, February 2, 2021
- Existing Site Context Photos, A13, 667 Wellesley Street, prepared by Lincoln Architects, LLC, August 18, 2020
- RGFA neighborhood comparison document
- Landscape and Lighting Plan, L.1, 667 Wellesley Street, prepared by VTP Associates, Inc., ConCom, January 5, 2021

- Existing Conditions Plan, EX!, 667 Wellesley Street, prepared by VTP Associates, Inc., dated October 15, 2020

667 Wellesley Street is a pre-existing non-conforming lot, located in Residential District A. The minimum street frontage requirement in Single Family Residence Zoning District A is 250 feet. The existing frontage of 135 feet makes it a pre-existing, non-conforming lot.

The dwelling at 667 Wellesley Street is a pre-existing nonconforming structure because it does not meet the side, street or street center line setbacks. The minimum side yard setback in Residence Zoning District A is 45 feet. The minimum street and center street line setbacks are 60 feet and 85 feet, respectively. The existing house is set approximately 29 feet from the southwest property line, and 55 feet and 79 feet from the street and street center line, respectively. The existing dwelling does not conform to the present zoning by-law.

Beth Nolan, attorney for the applicant addressed the Board, explaining that the applicants are proposing to demolish the existing home and build a new home on the lot. The applicant received a Certificate of Action from the Planning Board for the proposed home on November 18<sup>th</sup>, 2020.

The proposed home will conform to the Residential Zoning District A setback requirements. The only remaining non conformity would be the lack of adequate street frontage, requiring a special permit for the proposed dwelling.

Gerry Scoll, 661 Wellesley Street, addressed the Board with concerns regarding the construction phase of the project. She is concerned with traffic, working hours, and dust mitigation during construction. Ms. Nolan responded by stating that construction parameters are listed in the Planning Board's Site Plan Approval.

The Board noted that the applicant's proposal removes the existing non-conforming dwelling and replaces it with a new dwelling that meets all setback and dimensional requirements. Only a frontage nonconformance would remain on the pre existing non conforming lot. It was therefore determined that the proposed dwelling would not be substantially more detrimental than the existing non-conforming dwelling to the neighborhood. The Board unanimously decided to grant the special permit for a new dwelling per the drawings and plans submitted.

**110 Oxbow Road:** request by Marc and Diane Goldman requesting a variance for an addition to their home.

Pursuant to the foregoing notice the Board held a public hearing on March 3, 2021, at 7:15 P.M., via Zoom video. The following members were present:

- Winifred I. Li, Acting Chair and Acting Secretary
- Alan J. Rose, Jr.
- Sujit Sitole

Documents in the record include:

- Site Plan, 110 Oxbow Road, prepared by Snelling & Hamel Associates, Inc., Lincoln, MA, December 31, 2020
- RGFA Analysis, 110 Oxbow Road, prepared by Catalano Architects, PC, Boston, MA, January 11, 2021
- Existing Elevations, 110 Oxbow Road, prepared by Catalano Architects, PC, Boston, MA, January 12, 2021
- Proposed Elevations, 110 Oxbow Road, prepared by Catalano Architects, PC, Boston, MA, January 12, 2021
- ZBA decision March 1993 granting a variance
- ZBA decision December 1992 granting a variance

Attorney Allen Hankins appeared with the property owners Marc and Diane Goldman (the “Petitioners”) and architect Tom Catalano before the Board. The property is located in Single Family Residence District B. The lot is conforming in area and shape, but the shed and porch encroach into the setbacks. Variances were received in 1992 and 1993 granting these non-conforming setbacks.

The Petitioners wish to preserve the existing 1957 Royal Barry Wills house but would like to age in place. Consequently, they seek to expand and enclose the existing porch so that it can be used as a first-floor bedroom, which would enable them to continue to occupy the home as they age. The slightly-expanded footprint would allow the bedroom to be fully accessible for the Petitioners.

The variance granted in 1992 allowed for the construction of a screened porch no closer than 70 feet from the center line of Oxbow Road. The Petitioners now seek a new variance to allow for the enclosure and expansion of the existing screened porch to be no closer than 63 feet (63.7 feet per the site plan in the file) from the center line of Oxbow Road in a District requiring

a minimum of 75 feet, and no closer than 43 feet (43.7 feet per the site plan in the file) from the sideline of Oxbow Road in a District requiring a minimum of 50 feet. The proposed additional RGFA that is the subject of this application for variance is 104 square feet, and would result in a total RGFA of 5,115 square feet.

The location of the wetlands, ledge, and existing elements on the site (in particular, the swimming pool, septic system, and house) constrain the potential location of this first-floor bedroom expansion.

Mr. Catalano also noted that dense trees and other vegetation will largely block the view of the house from Oxbow Road; moreover, the house is elevated above the grade of Oxbow Road by approximately 12 feet, which also reduces the visibility of the house from the road. The shed will remain in its current location, 37.2 feet from Oxbow Road and 57.2 feet from the street center line.

The Board voted unanimously to grant the requested variance to enable the Petitioners to expand and enclose the screened porch as shown on the site plan in the file, finding that in light of the minor nature of the Petitioners' proposed intrusion into the setback and because of the soil conditions (ledge), the topography of the lot, and the location of existing elements on the lot as noted above, a literal enforcement of the Zoning By-Law would involve a substantial financial and practicable hardship to the Petitioners, and further finding that the requested variance may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law.